

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date December 21, 2023
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) MPSW 1 to 20	
4. Subject Telehealth comprehensive review	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected s.20.165(1)(g)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b>	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$N/A	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The Marriage and Family Therapy, Professional Counseling and Social Work Examining Board completed a comprehensive review of chapters MPSW 1 to 20 to update the standards of practice regarding telehealth. The Board made revisions to provide clarity, remove obsolete provisions and ensure the chapters are current with professional telehealth standards and practices. The changes include:  <ul style="list-style-type: none"><li>• Addition of a definition of "telehealth" per 2021 Wisconsin Act 121.</li><li>• Creation of a new subsection that establishes standards of telehealth practice.</li><li>• Amendment of the definitions of "face-to-face" and "supervision" throughout the chapters to include telehealth practice.</li><li>• Amendment of the provisions of unprofessional conduct to incorporate telehealth practice.</li></ul>	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The rule draft will be posted on the department's website for 14 days to solicit economic impact comments from local governments and small businesses.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) DSPS estimates a total of \$5,400 in one-time costs for staffing to implement the rule. The estimated need for 0.1 limited term employees (LTE) is attributed rule promulgation and legal counsel. The estimated costs cannot be absorbed in the currently appropriated agency budget.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule	

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The benefits of implementing the rule are to clarify the telehealth practice of marriage and family therapists, professional counselors, and social workers and to bring the Code up to current standards of practice. The alternative to promulgating rules would be to not update the rules. This would leave the rules inconsistent with statutory provisions, which could create confusion with stakeholders.

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16. Long Range Implications of Implementing the Rule

The long range implications of implementing this rule is clear requirements for the regulation and licensure of marriage and family therapists, professional counselors, and social workers in Wisconsin.

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17. Compare With Approaches Being Used by Federal Government

N/A

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

Illinois regulates marriage and family therapy, professional counseling, and social work practice through the Department of Financial and Professional Regulation. The Clinical Social Work and Social Work Practice Act establishes two exemptions for social work telehealth practices if the social worker is not a resident of Illinois and performs services for another nonresident if a previously established relationship existed and the social worker holds a proper license to perform the services in the state or country they reside. [225 ILCS 20/4]

Illinois Telehealth Act establishes definitions, practice authority, and use of telehealth services for all professions, occupations, and business operations. [225 ILCS 150]

Iowa:

Iowa Board of Social Work establishes that a licensee shall assess a client's suitability and capacity for online and remote services during the first contact with the client and keep assessing whether in-person or remote consultations should be done before providing social work services. This assessment shall be continually done throughout the course of the professional relationship and the social worker shall take reasonable steps to ensure the client's identity, ability to consent to services, and location. [645 IAC 282.2 (19)]

Iowa Board of Behavioral Scientists, which includes marriage and family therapists and mental health counselors, states that services provided to an individual within the state either through telephone or other electronic means constitute the practice of marital and family therapy and mental health counseling and shall be subject to regulation, regardless of the location of the therapist or counselor. [645 IAC 31.18 (154D)]

Michigan:

Michigan statutes and rules do not specifically address how marriage and family therapists, professional counselors, and social workers should provide services using telehealth.

Minnesota:

Minnesota statutes and rules do not specifically address how marriage and family therapists, professional counselors, and social workers should provide services using telehealth.

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19. Contact Name

Sofia Anderson

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20. Contact Phone Number

608-261-4463

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**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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