

Chapter MPSW 1

AUTHORITY AND PRACTICE

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Note: Chapter SFC 1 was created as an emergency rule effective April 26, 1993.

Note: Chapter SFC 1 was renumbered ch. MPSW 1 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562.

MPSW 1.01 Authority. This chapter is adopted pursuant to ss. 15.08 (5) (b), 15.405 (7c) (d) and 227.11 (2), Stats.

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93.

MPSW 1.02 Definitions. In chs. MPSW 1 to 6 and 10 to 20:

(1) “AODA” means alcohol or other drug abuse.

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

(1q) “Credential” means a certificate or a license granted by the board.

(2) “Department” means the department of safety and professional services.

(2d) “DSM” means the diagnostic and statistical manual of mental disorders and refers to the most recent edition.

(2m) “Psychotherapy” means the diagnosis and treatment of mental, emotional, or behavioral disorders, conditions, or addictions through the application of methods derived from established psychological or systemic principles for the purpose of assisting people in modifying their behaviors, cognitions, emotions, and other personal characteristics, which may include the purpose of understanding unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

(3) “Section” means either the marriage and family therapist section, the professional counselor section, or the social worker section of the marriage and family therapy, professional counseling and social work examining board.

(4) “Telehealth” has the meaning given in s. 440.01 (1) (hm), Stats.

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93; am. (intro.), Register, May, 1999, No. 521, eff. 6-1-99; CR 02-105: am. (intro.), (1), (3), cr. (1q), (2m), Register October 2002 No. 562, eff. 11-1-02; CR 04-044: renum. (1) to be (1g), cr. (1), (2d) and (2h) Register January 2005 No. 589, eff. 2-1-05; correction in (2) made under s. 13.92 (4) (b) 6., Stats., Register November 2011 No. 671; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register February 2015 No. 710; CR 24-012: r. (2h), cr. (4) Register May 2025 No. 833, eff. 6-1-25.

MPSW 1.035 Rule-making. (1) Except as provided in sub. (2), each section shall be responsible for proposing and drafting rules applying to its profession, and for holding public hearings on those rules. The board may approve and adopt rules proposed by any section of the board.

(2) The board shall be responsible for promulgating rules applying to matters that the board determines are of joint interest among the sections.

History: CR 15-082: cr. Register December 2016 No. 732, eff. 1-1-17.

MPSW 1.04 Application procedures for all sections of the board. An application is incomplete until all materials

requested are received by the board office, in English or accompanied by a certified English translation.

Note: The board’s mailing address is Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, Department of Safety and Professional Services, P.O. Box 8935, Madison, Wisconsin 53708-8935.

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am. (2), Register October 2002 No. 562, eff. 11-1-02; CR 15-082: renum. (1) to 1.04, r. (2) Register December 2016 No. 732, eff. 1-1-17; CR 24-012: am. Register May 2025 No. 833, eff. 6-1-25.

MPSW 1.05 Examination provisions for all sections. (1) The board or its designee shall administer the examinations required of applicants for certification as a social worker, advanced practice social worker, or independent social worker, or for licensure as a clinical social worker, marriage and family therapist or professional counselor at least once a year.

(6) The passing grade on each examination is determined by the board to represent competence sufficient to protect the public health, safety and welfare. The board may adopt the recommended passing score of the examination provider for the examination testing entry level competency.

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93; r. (2) and (4), Register, October, 1998, No. 514, eff. 11-1-98; CR 01-064: cr. (7), Register December 2001 No. 552, eff. 1-1-02; CR 02-105: am. (1), (5) and (7), Register October 2002 No. 562, eff. 11-1-02; CR 19-137: r. (3), (5), am. (6), r. (7) Register August 2020 No. 776, eff. 9-1-20.

MPSW 1.08 Credential renewal and reinstatement procedures. (1) RENEWAL BY EXPIRATION DATE. A credential holder shall renew the credential by the expiration date by paying the renewal fee determined by the department under s. 440.03 (9) (a), Stats. and attesting to completion of the continuing education required under s. MPSW 19.02.

(2) RENEWAL WITHIN 5 YEARS. If the credential is renewed after the expiration date and within 5 years of the expiration date, a credential holder shall renew the credential by paying the renewal fee determined by the department under s. 440.03 (9) (a), Stats., attesting to completion of the continuing education required under s. MPSW 19.02, and paying a late renewal fee.

(3) RENEWAL AFTER 5 YEARS OF RENEWAL DATE. This subsection does not apply to credential holders who have unmet disciplinary requirements or whose credentials have been surrendered or revoked. A credential holder who has failed to renew a credential within 5 years after the renewal date holds an expired credential and may not reapply for the credential using the initial application process. A credential may be renewed after 5 years of the renewal date by complying with all of the following:

(a) Payment of the renewal fee determined by the department under s. 440.03 (9) (a) and the late renewal fee.

(b) Evidence of one of the following:

1. An active credential in good standing in another state.

2. Completion of 60 hours of approved continuing education, including 8 hours of professional ethics and boundaries, within the preceding 2 years.

(4) REINSTATEMENT. A credential holder who has unmet disciplinary requirements and failed to renew the credential within 5 years or whose credential has been surrendered or revoked may apply to have the credential reinstated in accordance with all of the following:

(a) Evidence of completion of the requirements in sub. (3) if the credential has not been active within the last 5 years.

(b) Evidence of completion of disciplinary requirements, if applicable.

(c) Evidence of rehabilitation or change in circumstances, warranting reinstatement of the credential.

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am., Register October 2002 No. 562, eff. 11-1-02; CR 17-080: r. and recr. Register August 2018 No. 752, eff. 9-1-18.

MPSW 1.09 Substance abuse disorder specialty.

(1) USE OF TITLE AND SCOPE OF PRACTICE. (a) A person certified by the board may use the title “alcohol and drug counselor” or “chemical dependency counselor” only if the person is credentialed as a substance abuse counselor under s. 440.88, Stats., or satisfies the educational and supervised training requirements established in this section.

(b) A person who is certified by the board may treat substance use disorder as a specialty if the person is credentialed under s. 440.88, Stats., or satisfies the educational and supervised training requirements established in this section.

(c) A person certified by the board may do all of the following:

1. Prepare a client for substance use disorder treatment by referral.

2. Continue to work with the non-substance use disorder issues of a person who has been referred for substance use disorder treatment.

3. Continue to treat a client who is in recovery following treatment for substance use disorder.

(3) SPECIALTY REQUIREMENTS FOR INDIVIDUALS CERTIFIED BY THE BOARD OTHER THAN AS ADVANCED PRACTICE SOCIAL WORKERS OR INDEPENDENT SOCIAL WORKERS. To be authorized to treat substance use disorder as a specialty, an individual certified under s. 457.08 (1), 457.09 (1) or 457.14 (1) (a), Stats., shall meet all of the following:

(a) A minimum of 180 contact hours of substance use disorder education, which may be obtained within the bachelor or master’s degree or in addition to the bachelor or master’s degree. The education shall be in all of the following:

1. Thirty hours in assessment training.
2. Thirty hours in counseling training.
3. Thirty hours in case management.
4. Thirty hours in patient education.
5. Thirty hours in professional responsibility.
6. Three hours in boundaries and ethics.
7. Twenty-seven hours in electives in any of the subjects in subds. 1. to 6.

(b) A minimum of 1,000 of hours of face-to-face substance use disorder treatment experience, under the supervision of a qualified supervisor, with individuals diagnosed with substance use disorders. The supervised hours can be either the same as or separate from the hours obtained for the credential issued by the board.

(4) QUALIFIED SUPERVISORS. A qualified supervisor is a person who is knowledgeable in psychopharmacology and addiction treatment and is any of the following:

(a) A clinical supervisor, as defined in s. SPS 160.02 (7).

(b) A licensed marriage and family therapist.

(c) A licensed professional counselor.

(d) A licensed clinical social worker, certified advanced practice social worker, or certified independent social worker.

(e) A licensed psychologist.

(f) A licensed physician.

(g) An individual, other than an individual specified in pars. (a) to (f), who is approved in advance by the board.

(5) CONTINUING EDUCATION. To maintain the authority to treat substance use disorder, an individual certified by the board must complete at least 6 continuing education hours during each biennial credentialing period in substance use disorder. The continuing education may be counted toward the continuing education required for renewal of the underlying credential.

History: EmR1835: emerg. cr., eff. 12-21-18; CR 18-098: cr. Register May 2020 No. 773, eff. 6-1-20; correction in (3) (intro.), (a) 7., (4) (a), (g) made under s. 35.17, Stats., Register May 2020 No. 773; CR 23-034: r. (2), am. (4) (d) Register February 2024 No. 818, eff. 3-1-24.

MPSW 1.10 Professional liability insurance. (1)

Except as provided in sub. (2), a person licensed as a clinical social worker, marriage and family therapist, or professional counselor may not practice clinical social work, marriage and family therapy, or professional counseling unless he or she has in effect professional liability insurance in the amount of at least \$1,000,000 for each occurrence and \$3,000,000 for all occurrences in one year.

(2) Subsection (1) does not apply to a person practicing clinical social work, marriage and family therapy, or professional counseling as an employee of a federal, state, or local governmental agency, if the practice is part of the duties for which he or she is employed and is solely within the confines of or under the jurisdiction of the agency by which he or she is employed.

History: CR 02-105: cr. Register October 2002 No. 562, eff. 11-1-02.

MPSW 1.11 Psychometric testing. (1) AUTHORITY.

This rule is adopted pursuant to ss. 15.08 (5) (b), 227.11 (2) and 457.033, Stats.

(2) DEFINITION. In this section, the term “psychometric test” means a procedure for measuring psychological, behavioral or interpersonal characteristics in which a sample of an examinee’s behavior is obtained and subsequently evaluated and scored using a standardized process. A person credentialed by the board may not use a testing instrument for diagnostic or assessment purposes unless he or she satisfies the requirements in sub. (5). Psychometric testing does not include a test instrument used solely to screen for problems, to assist in treatment planning, to clarify treatment goals, to plan for interventions, to monitor progress in treatment or an unstandardized questionnaire, unstructured behavior sample or a test used to evaluate performance in education or training or training prepared by a teacher or trainer.

(3) REQUIREMENTS FOR PERFORMING PSYCHOMETRIC TESTING. The competent use of a psychometric test requires that the licensee or person supervised by the licensee have the requisite knowledge, skills, training and experience needed to do all of the following:

(a) Independently select and administer tests appropriate to the practice setting and area of practice.

(b) Accurately administer, score, and interpret the test.

(c) Understand and communicate the strengths and limitations of the test appropriate to the context in and purpose for which it is given.

(d) Use culturally appropriate and sensitive instruments and norms.

(e) Analyze the results within a broad context of information about the examinee's life.

(f) Seek supervision or consultation as needed from any licensee who are authorized to perform psychometric testing under this subsection.

(4) LICENSES AUTHORIZED TO PERFORM PSYCHOMETRIC TESTING. Psychometric testing may be performed by the following individuals:

(a) A psychologist licensed under ch. 455, Stats.

(b) A licensed or training licensed marriage and family therapist, a licensed or training licensed professional counselor or a licensed or training licensed clinical social worker or a certified advanced practice social worker or independent social worker who satisfies the requirements in sub. (5) (a) and is acting under the supervision of a licensed psychologist.

(c) A licensed marriage and family therapist, licensed professional counselor or licensed clinical social worker who satisfies the requirements in sub. (5) (a) and (b).

(d) A licensed or training licensed marriage and family therapist, a licensed or training licensed professional counselor or a licensed or training licensed clinical social worker or a certified advanced practice social worker or independent social worker who satisfies the requirements in sub. (5) (a) and is acting under the supervision of another licensee of the board specified in par. (c).

(5) EDUCATIONAL REQUIREMENTS FOR PERFORMING PSYCHOMETRIC TESTING WITHOUT SUPERVISION. A person who meets the requirements in s. MPSW 1.11 (4) (b), (c) or (d) may engage in psychometric testing without supervision only if the appropriate section of the board has received and approved the following information demonstrating generic and specific qualifications to perform psychometric testing:

(a) Academic training at the graduate or postgraduate level from a regionally accredited program that covered:

1. Descriptive statistics.
2. Reliability and measurement error.
3. Validity and meaning of test scores.
4. Normative interpretation of test scores.
5. Selection of appropriate tests.
6. Test administration procedures.
7. Ethnic, racial, cultural, gender, age and linguistic variables.
8. Testing individuals with disabilities.

(b) A signed statement from a professional qualified to supervise psychometric testing as set forth in sub. (4) (a) and (c) that the supervised licensee meets the requirements to use psychometric tests as set forth in this subsection. A licensee determined to be qualified to use psychometric tests by prior affidavit is not required to resubmit a signed statement and is deemed to meet the requirements of pars. (a) and (b).

(6) LICENSES QUALIFIED TO SUPERVISE PSYCHOMETRIC TESTING. The only professionals qualified to supervise psychometric testing are licensed psychologists, licensed marriage and family therapists, licensed professional counselors, and licensed clinical social workers who meet the requirements in sub. (5) (a) and (b).

History: CR 02-105: cr. Register October 2002 No. 562, eff. 11-1-02; CR 10-013: r. and recr. Register December 2010 No. 660, eff. 1-1-11.

MPSW 1.12 Telehealth practice. **(1)** Except as provided in sub. (4), a person who uses telehealth in the diagnosis and treatment of a patient located in this state shall be licensed to practice by the board.

(2) A person licensed or credentialed by the board located in this state treating patients via telehealth who are not physically located in this state at the time of treatment must comply with the regulations in the state the patient is physically located at the time of treatment.

(3) A person licensed or credentialed by the board shall be held to the same standards of practice and conduct including patient confidentiality and recordkeeping, regardless of whether health care services are provided in person or by telehealth.

(4) A person who is not a resident of this state, may perform marriage and family therapy, professional counseling, or social work practice via telehealth in this state for a nonresident not more than 5 days in any one month and not to exceed 15 days in total if there is a previous established therapeutic relationship with the nonresident and the person is authorized to perform such services under the laws of the state or country in which the person resides.

(5) A person licensed or credentialed by the board who provides counseling services by telehealth is responsible for the quality and safe use of equipment and technology that is integral to patient diagnosis and treatment. The equipment and technology used to provide counseling services by telehealth shall provide, at a minimum, information that will enable the licensee to meet or exceed the standard of minimally competent counseling practice.

History: CR 24-012: cr. Register May 2025 No. 833, eff. 6-1-25; correction in (2), (4) made under s. 35.17, Stats., Register May 2025 No. 833.