



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 02-105

AN ORDER to repeal SFC 2.01 (19), 4.01 (1) (b) 1. and 2. and (4) Note, chapter SFC 7, 8.01, 10.01 (7) and (8), 12.01 (1) (title), 12.02 (2) (a), chapter SFC 13, 16.04 and 16.05 (1) (b) and (c); to renumber SFC 4.01 (1) Note; to renumber and amend SFC 2.01 (3), 4.01 (1) (a), 12.01 (1) and 16.05 (1) (a); to amend SFC 1.02 (1) and (3), 1.04 (2) and (2) (b) Note, 1.05 (1), (5) and (7), 1.07 (intro.) and (2), 1.08 (title) and (1) to (5), 2.01 (intro.), (11), (13) and (16), chapter SFC 3 (title), 3.01 (4), 3.05 (4), 3.07 (3) and (5), 3.09 (intro.), (3) and (5), 3.12 (title) and (4) (intro.) and (a), chapter SFC 4 (title), 4.01 (title) and (1), 5.01 (1) to (5) and Note, 6.02, 6.03, 6.04, 8.02 (title), (1), (b) and (2) to (9), 8.03 (1) (intro.) and (f) and (2) (e) and (f), 8.04, 10.01 (1), (4), (5) and (6), 11.01 (title) and (1) (intro.), (a), (e) and (f), 11.02, 11.035, 11.04 (title), (intro.) (2), and (4), 15.01 (intro.), 16.01 (title), (1) (intro.), (b) and (d) and (2) (a) and (c), 16.03, 17.01, 17.02 (title), (intro.), (2) and (4), 18.01 and 20.02 (intro.), (1), (4), (9), (15), (17), (20) and (21); to repeal and recreate SFC 3.11, 12.01 and 12.02 (2); and to create SFC 1.02 (1i) and (1q), 1.09, 1.10, 1.11, 3.12 (1) (e), (2) (e), (3) (e) and (4) (e), 4.01 (5) and (6), 8.03 (1) (i), 16.05 (1) (a) to (c) and (e) and 17.03, relating to changes made as a result of 2001 Wisconsin Act 80 involving practitioners of psychotherapy.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

07-16-2002 RECEIVED BY LEGISLATIVE COUNCIL.

07-26-2002 REPORT SENT TO AGENCY.

RS:REL

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 02-105

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

1. Statutory Authority

In s. SFC 6.02, a certified advanced practice social worker may engage in psychotherapeutic activities only under the supervision of a person authorized by the board or by the Department of Health and Family Services to supervise the practice of clinical social work; however, s. 457.035 (2), Stats., specifies a different list of individuals [listed under s. 457.08 (4) (c) 1., 2., 3., and 4., Stats.] who are authorized to supervise a certified advanced practice social worker who engages in psychotherapy. This same problem occurs in s. SFC 6.03 for independent social workers who engage in psychotherapeutic activities. Why does the rule fail to incorporate the provisions of s. 457.08 (4) (c), Stats.?

2. Form, Style and Placement in Administrative Code

a. In the statement of statutes interpreted in the analysis, the phrase "repealed and recreated" should be replaced by the word "affected."

b. In the analysis, the citation in the explanation of SECTION 57 should read: "s. SFC 16.04."

c. The treatment clause of SECTION 7 states that s. SFC 1.07 (intro.) is amended. However, the text of the rule shows no amendment to the introduction. Is it intended that the word "certificate" be replaced by the word "credential"?

d. It appears that the text following s. SFC 1.11 (intro.) is missing from the rule.

e. In s. SFC 4.01, if the note is renumbered s. SFC 4.01 (2), then the current s. SFC 4.01 (2) should be repealed or renumbered. The best method is to repeal the note and then repeal and recreate s. SFC 4.01 (2). Next, SECTION 29 renumbers s. SFC 4.01 (1) (a) as s. SFC 4.01 (3). However, the text of the rule does not treat current s. SFC 4.01 (3). Finally, the treatment clause of SECTION 30 should read: "s. SFC 4.01 (1) (b) is repealed."

f. In s. SFC 8.02 (5), the phrase "as a result of the nonstatutory provisions of Act 80" should be deleted and the phrase "will be required" should be replaced with "shall."

g. In the SFC 11 chapter title, "Certification" should be replaced with "Licensure." A similar problem occurs in the title of chs. SFC 16 and 17.

h. Since s. SFC 12.01 is repealed and recreated in SECTION 50, the treatments of s. SFC 12.01 in SECTIONS 48 and 49 are unnecessary and should be deleted from the text of the rule. The same comment applies to SECTION 51 of the rule which repeals s. SFC 12.02 (2) (a); that is, SECTION 51 should be deleted because of the treatment of s. SFC 12.02 (2) in SECTION 52. Finally, in s. SFC 12.01, the introduction should be renumbered as sub. (1); the remaining subsections should be renumbered accordingly; and in the first sentence of the newly renumbered sub. (1), it appears that the word "certificate" should be replaced by the word "license."

i. In s. SFC 16.01 (2) (a), it appears that the notation "MPS" should be replaced by the notation "SFC."

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the treatment clause for s. SFC 8.02, the comma between (1) and (b) should be replaced by ", and."

b. In s. SFC 8.02 (1), the rule should specify how a certified or licensed person should verify compliance as part of his or her application.

c. In s. SFC 8.02 (1) (b), how is the regulatory digest obtained?

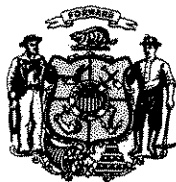
d. In s. SFC 10.01 (4), the apostrophe in "cognition's" should be deleted.

e. Section SFC 12.02 (2) (f) provides that supervision of a period of supervised practice of professional counseling may be exercised by an individual who is approved in advance by the professional counselor section. This format is repeated in other provisions of the rule. By what process will individuals be approved in advance for supervision? This should be explained in the rule, possibly in a note.

f. In s. SFC 17.03, it would be helpful to include a note explaining how the application form can be obtained from the department. [See s. 227.14 (3), Stats.]

**WISCONSIN DEPARTMENT OF
REGULATION & LICENSING**

Scott McCallum
Governor
Oscar Herrera
Secretary



1400 East Washington Avenue
PO Box 8935
Madison WI 53708-8935
Email: dorl@drf.state.wi.us
Voice: 608-266-2112
FAX: 608-267-0644
TTY: 608-267-2416

July 16, 2002

TO: Ron Sklansky, Director
Rules Clearinghouse
Wisconsin Legislative Council
1 East Main Street, Suite 401

FROM: Pamela A. Haack, Paralegal
Office of Administrative Rules
Department of Regulation and Licensing
Room 171, 1400 East Washington Avenue
(608) 266-0495

RE: Proposed Rule-Making Order of the Examining Board of Social Workers
Marriage and Family Therapists and Professional Counselors

Attached please find a proposed rule-making order of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors submitted under s. 227.15, Wis. Stats. These proposed rules relate to changes made as a result of 2001 Wisconsin Act 80, specifically practitioners of psychotherapy. The proposed order contains citations to the statutory authority under which the board intends to adopt the proposed rules and a description of the effect of the proposal.

The Examining Board requests that the Clearinghouse review period be expedited in order to have these rules in effect on November 1, 2002, the effective date of Act 80. Thank you for your cooperation.

Please stamp or sign a copy of this letter to acknowledge receipt. Please call me at 266-0495 if I can be of any assistance to the Clearinghouse in reviewing this rule.

Thank you.

EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS, AND PROFESSIONAL COUNSELORS

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF SOCIAL
EXAMINING BOARD OF SOCIAL : WORKERS, MARRIAGE AND FAMILY
WORKERS, MARRIAGE AND : THERAPISTS AND PROFESSIONAL
FAMILY THERAPISTS AND : COUNSELORS ADOPTING RULES
PROFESSIONAL COUNSELORS : (CLEARINGHOUSE RULE 02-)

PROPOSED ORDER

An order of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors to repeal SFC 2.01 (19), 4.01 (1) (b), 1. and 2. and the Note following SFC 4.01 (4), ch. SFC 7, 8.01, 10.01 (7) and (8), 12.01 (1) (title), 12.02 (2) (a), ch. SFC 13, 16.04, 16.05 (1) (b) and (c); to renumber the Note following SFC 4.01 (1); to renumber and amend SFC 2.01 (3), 4.01 (1) (a), 12.01 (1) and 16.05 (1) (a); to amend SFC 1.02 (1) and (3), 1.04 (2), the Note following SFC 1.04 (2) (b), 1.05 (1), (5), (7), 1.07 (intro.) and (2), 1.08 (title) and (1) to (5), 2.01 (intro.), (11), (13), (16), ch. SFC 3 (title), 3.01 (4), 3.05 (4), 3.07 (3) and (5), 3.09 (intro.), (3) and (5), 3.12 (title), (4) (intro.) and (a), ch. SFC 4 (title), 4.01 (title) and (1), 5.01 (1) to (5) and the Note following 5.01 (5), 6.02, 6.03, 6.04 (title) and 6.04, 8.02 (title), (1), (b), (2) to (9), 8.03 (1) (intro.) and (f), (2) (e) and (f), 8.04, 10.01 (1), (4), (5) and (6), 11.01 (title), (1) (intro.), (a), (e) and (f), 11.02, 11.035 (title) and 11.035, 11.04 (title), (intro.), (2) and (4), 15.01 (intro.), 16.01 (title), (1) (intro.), (1), (b), (d), (2) (a) and (c), 16.03, 17.01 (title) and 17.01, 17.02 (title), (intro.), (2) and (4), 18.01, 20.02 (intro.), (1), (4), (9), (15), (17), (20) and (21); to repeal and recreate SFC 3.11, 12.01, 12.02 (2); and to create SFC 1.02 (1i) and (1q), 1.09, 1.10 and 1.11, 3.12 (1) (e), (2) (e), (3) (e), (4) (e), 4.01 (5) and (6), 8.03 (1) (i), 16.05 (1) (a) to (c) and (e) and 17.03, relating to changes made as a result of 2001 Wisconsin Act 80, specifically practitioners of psychotherapy.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats., and chapter 457, Stats. as repealed and recreated by 2001 Wisconsin Act 80.

Statutes interpreted: Chapter 457, Stats., as repealed and recreated by 2001 Wisconsin Act 80.

This proposed rule-making order implements the statutory changes made as a result of 2001 Wisconsin Act 80, relating to the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

The rule changes are as follows:

Sections 1, 3, 5 and 33 changes the name of the board to the Marriage and Family Therapy, Professional Counselors and Social Worker Examining Board.

Section 2 creates definitions for "clinical practice" and "credential."

Sections 4, 6, 7, 8, 11, 14, 16, 20, 24, 26, 27, 29, 37, 41, 42, 44, 46, 47, 49, 55, 61, 62 and 65 replaces certification with licensure for marriage and family therapists, professional counselors and clinical social workers and replaces the word "certificate" with "credential" where appropriate.

Section 9 establishes rules under which credential holders may engage in alcohol and drug counseling, establishes a requirement that practitioners of psychotherapy obtain professional liability insurance, and establishes the rules under which credential holders may engage in psychometric testing.

Sections 13, 17, 18, 43, 50, 55, 56 adopts the legislature's new unified definition of post-degree supervised practice, i.e. 3,000 hours of supervised practice in the relevant field, including 1,000 hours of face-to-face client contact.

Sections 10, 12, 28 and 54 correct errors and oversights in the existing rules.

Section 19 creates temporary certificates for advanced practice social workers and independent social workers, and temporary licenses for clinical social workers.

Sections 21, 22, 23 and 25 require applicants for certification or licensure by reciprocity to take and pass an examination on the Wisconsin statutes relevant to the profession.

Sections 30, 31, 32, 51, 52, 59 and 60 adopt the legislature's list of acceptable supervisors for the post-degree and pre-certification practice.

Section 33 authorizes applicants to take both the national examination and the jurisprudence examination prior to the completion of other requirements.

Section 34 clarifies the scope of practice of advanced practice social workers, independent social workers, and clinical social workers, and includes an explicit reference to supervision by a person authorized by the department of health and family services.

Section 35 repeals ch. SFC 7.

Sections 36, 37, 38, 39 and 40 clarify rules regarding continuing education for social workers.

Section 45 permits applicants for licensure as professional counselors to take both parts of the examination prior to completing the required period of supervision.

Section 48 repeals the title of s. SFC 12.01 (1).

Section 42 replaces a definition of "psychotherapy" with the one specified by the legislature.

Section 52 adds a category of supervisor for the pre-certification practice of professional counseling.

Section 53 repeals ch. SFC 13.

Section 57 repeals s. 16.04.

Section 58 adds a category of supervisor for the pre-certification practice of marriage and family therapy.

Section 63 creates a marriage and family therapy training certificate.

Section 64 permits applicants for licensure as marriage and family therapists to take both parts of the examination prior to completing the required period of supervision.

TEXT OF RULE

SECTION 1. SFC 1.02 (1) is amended to read:

SFC 1.02 (1) "Board" means the ~~examining board of social workers, marriage and family therapists and professional counselors~~ marriage and family therapy, professional counseling and social work examining board.

SECTION 2. SFC 1.02 (1i) and (1q) are created to read:

SFC 1.02 (1i) "Clinical practice" means professional practice that may involve psychotherapy.

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

SECTION 3. SFC 1.02 (3) is amended to read:

SFC 1.02 (3) "Section" means either the social worker section, the marriage and family therapists section, or the professional counselor section of the ~~examining board of social workers, marriage and family therapists and professional counselors~~ marriage and family therapy, professional counseling and social work examining board.

SECTION 4. SFC 1.04 (2) is amended to read:

SFC 1.04 (2) An applicant for any ~~certificate~~ credential under ch. 457, Stats., shall make application on forms prescribed by both the examination provider for the examination for the ~~certificate~~ credential for which the applicant is applying and the board. The applicant may not sit

for an examination unless the applicant meets the requirements of both the examination provider and the interested section of the board.

SECTION 5. The Note following SFC 1.04 (2) (b) is amended to read:

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

SECTION 6. SFC 1.05 (1), (5) and (7) are amended to read:

SFC 1.05 (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 clinical social worker, or for licensure as a clinical social worker, marriage and family therapist or professional counselor at least once a year.

(5) The board may deny release of grades or issuance of a ~~certificate~~ credential if the board determines that the applicant violated rules of conduct or otherwise acted dishonestly.

(7) An applicant for certification as a social worker, advanced practice social worker, ~~or independent social worker or independent~~ for licensure as a clinical social worker, need not take part II of the examination if within the 5 years preceding the date of application, the applicant took and passed part II in the process of applying for and receiving another social worker ~~certification~~ credential from the section.

SECTION 7. SFC 1.07 (intro.) and (2) are amended to read:

SFC 1.07 Claims of examination error. (intro.) An applicant for any certificate issued by the board who claims an error in the examination may file a written request for board review in the board office within 30 days of the date the examination was reviewed. The board shall review the claim and notify the applicant in writing of the board's decision and any resulting grade changes. Claims of examination error which are not filed within 30 days of an examination review shall be denied. The request shall include:

(2) The type of ~~certificate~~ credential applied for.

SECTION 8. SFC 1.08 (title) and (1) to (5) are amended to read:

SFC 1.08 (title) ~~Certificate~~ Credential renewal procedures for all sections of the board. (1) Each person granted a ~~certificate~~ credential under ch. 457, Stats., is certified or licensed for the current ~~certification~~ period only. To renew certification or licensure, a ~~certificate~~ credential holder shall by July 1 of the odd-numbered year following initial certification or licensure and every 2 years thereafter file with the board an application for renewal on a form prescribed by the board, and submit the fee under s. 440.08 (2), Stats.

(2) A certificate credential holder who fails to renew certification or licensure shall cease and desist from using practice and from use of the professional title. Within 5 years following the renewal date, a certificate credential holder may renew the expired certificate credential without examination by filing with the required renewal application, the renewal fee, and the late renewal fee under s. 440.08 (3), Stats. A certificate credential holder who fails to renew certification or licensure within 5 years of the renewal date may be reinstated by complying with the requirements for obtaining initial certification or licensure, including educational and examination requirements which apply at the time application is made.

(3) An applicant for reinstatement of certification or licensure following disciplinary action shall meet requirements in sub. (1) and may be required to successfully complete an examination as the board prescribes. An applicant who applies for reinstatement more than 5 years after the date of the order imposing discipline against the applicant may be reinstated by complying with the requirements for obtaining initial certification or licensure, including educational and examination requirements which apply at the time the application for reinstatement is made.

(4) The certificate credential and certificate of biennial certification or licensure shall be displayed in a prominent place by each person while certified or licensed by the board.

(5) Every certificate credential holder shall notify the department, in writing, of a change of name or address within 30 days of the change.

SECTION 9. SFC 1.09, 1.10 and 1.11 are created to read:

SFC 1.09 Alcohol and drug counseling. A person credentialed by the board may use the title "alcohol and drug counselor" or "chemical dependency counselor," and may treat alcohol or substance dependency or abuse as a specialty only if he or she is certified as a substance abuse counselor under s. HFS 75.02 (84).

SFC 1.10 (1) Professional liability insurance. 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.

SFC 1.11 Psychometric testing. Persons credentialed by the board may engage in psychometric testing if:

SECTION 10. SFC 2.01 (intro.) is amended to read:

SFC 2.01 Definitions. (intro.) In chs. SFC 2 to ~~7~~ 8:

SECTION 11. SFC 2.01 (3) is renumbered 2.01 (12m) and amended to read:

SFC 2.01 (12m) ~~Certified independent~~ Licensed clinical social worker means a person who holds a ~~certificate~~ license under s. 457.08 (4), Stats.

SECTION 12. SFC 2.01 (11), (13) and (16) are amended to read:

SFC 2.01 (11) "Interpersonal" means between 2 or among ~~2~~ 3 or more individuals or groups.

(13) "Primary clinical setting" means a facility, or a unit within a facility, whose primary purpose is to treat persons with a DSM-IV diagnosis.

(16) "Social worker" has the meaning given in s. 457.01 (10), Stats., and is interpreted to be a general term describing all persons who hold any certificate under s. 458.08, Stats., or any rules adopted pursuant to s. 457.03 (3), Stats., establishing levels of ~~advanced~~ social work practice.

SECTION 13. SFC 2.01 (19) is repealed.

SECTION 14. Chapter SFC 3 (title) is amended to read:

CHAPTER SFC 3

APPLICATION FOR SOCIAL WORKER CERTIFICATION OR LICENSURE

SECTION 15. SFC 3.01 (4) is amended to read:

SFC 3.01 (4) Verification of the applicant's ~~licensure~~ credential in all jurisdictions in which the applicant has ever been credentialed.

SECTION 16. SFC 3.05 (4) is amended to read:

SFC 3.05 (4) Verification of the applicant's ~~licensure~~ credential in all jurisdictions in which the applicant has ever been credentialed.

SECTION 17. SFC 3.07 (3) and (5) are amended to read:

SFC 3.07 (3) An affidavit that the applicant has completed ~~the equivalent of 2 years of full-time practice of~~ at least 3,000 hours of social work practice including at least 1,000 hours of face-to-face client contact under the supervision of a supervisor approved by the social worker

section after receiving a master's or doctoral degree. Pre-certification supervised practice shall meet the criteria under s. SFC 4.01.

(5) Verification of the applicant's licensure credential in all jurisdictions in which the applicant has ever been credentialed.

SECTION 18. SFC 3.09 (intro.), (3) and (5) are amended to read:

SFC 3.09 (intro.) Application for certification licensure as an independent a clinical social worker. In addition to paying the fee under s. 440.05 (1), Stats., an applicant for certification licensure as an independent a clinical social worker shall submit the completed, signed application form and:

(3) An affidavit that the applicant has completed ~~the equivalent of 2 years of full-time practice of social work in~~ at least 3,000 hours of clinical social work practice, including at least 1,000 hours of face-to-face client contact, under the supervision of a supervisor approved by the social worker section after receiving a master's or doctoral degree. Pre-certification supervised practice shall meet the criteria under s. SFC 4.01.

(5) Verification of the applicant's licensure credential in all jurisdictions in which the applicant has ever been credentialed.

SECTION 19. SFC 3.11 is repealed and recreated to read:

SFC 3.11 Temporary certificate or license. (1) The social worker section may issue a temporary certificate permitting the use of the title "social worker" to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the certificate except for passing the required examination. The social worker section may issue a temporary certificate permitting the use of the title "advanced practice social worker" to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the advanced practice social worker certificate except for passing the required examination. The social worker section may issue a temporary certificate permitting the use of the title "independent social worker" to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the independent social worker certificate except for passing the required examination. The social worker section may issue a temporary license permitting the use of the title "clinical social worker" to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the clinical social worker license except for passing the required examination.

(2) The temporary credential shall be valid for a period of 9 months from date of issue of the temporary credential, or release of the examination scores from the next available examination after the date of the application for the temporary credential, whichever is earlier. The temporary credential expires upon notification of failure of the examination or expiration of the 9 month period. The temporary credential may not be renewed.

SECTION 20. SFC 3.12 (title) is amended to read:

SFC 3.12 (title) Reciprocal certificate or license.

SECTION 21. SFC 3.12 (1) (e) is created to read:

SFC 3.12 (1) (e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.

SECTION 22. SFC 3.12 (2) (e) is created to read:

SFC 3.12 (2) (e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.

SECTION 23. SFC 3.12 (3) (e) is created to read:

SFC 3.12 (3) (e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.

SECTION 24. SFC 3.12 (4) (intro.) and (a) are amended to read:

SFC 3.12 (4) (intro.) The social worker section shall grant a certificate license as ~~an~~ a ~~independent~~ clinical social worker under s. 457.08 (1) and (4), Stats., to an applicant who pays the fee required under s. 440.05 (2), Stats., and provides evidence of all of the following to the section:

(a) The applicant has a current credential as ~~an independent~~ a clinical social worker or the substantial equivalent in good standing in another state or territory of the United States.

SECTION 25. SFC 3.12 (4) (e) is created to read:

SFC 3.12 (4) (e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.

SECTION 26. Chapter SFC 4 (title) is amended to read:

CHAPTER SFC 4

SUPERVISED PRE-CERTIFICATION AND PRE-LICENSURE SOCIAL WORK PRACTICE

SECTION 27. SFC 4.01 (title) and (1) are amended to read:

SFC 4.01 (title) Supervised pre-certification and pre-licensure social work practice.
(1) Supervision of pre-certification or pre-licensure practice of social work under s. 457.08 (3)

(c) and (4) (c), Stats., shall include the direction of social work practice in face-to-face individual or groups sessions of at least one hour duration during each week of supervised practice of social work. Such supervision may be exercised by a person other than an employment supervisor.

SECTION 28. The Note following SFC 4.01 (1) is renumbered SFC 4.01 (2).

SECTION 29. SFC 4.01 (1) (a) is renumbered SFC 4.01 (3) and amended to read:

SFC 4.01 (3) The person supervising the pre-certification or pre-licensure practice of social work shall have adequate training, knowledge and skill to competently supervise any social work service that a social worker undertakes. Supervision of the professional practice of social work in the applied skills of the profession may be exercised by a person other than an employment supervisor. The supervisor may not permit a supervisee to engage in any social work practice that the supervisor cannot competently supervise. All supervisors shall be legally and ethically responsible for the activities of the social work supervisee. Supervisors shall be able to interrupt or stop the supervisee from practicing in given cases, or recommend to the supervisee's employer that the employer interrupt or stop the supervisee from practicing in given cases, and to terminate the supervised relationship if necessary.

SECTION 30. SFC 4.01 (1) (b), 1. and 2. are repealed.

SECTION 31. The Note following SFC 4.01 (4) is repealed.

SECTION 32. SFC 4.01 (5) and (6) are created to read:

SFC 4.01 (5) For applications for licensure as an independent social worker received after November 1, 2002, supervision may be exercised by any of the following:

(a) A licensed clinical social worker with a master's or doctoral degree in social work.

(b) A certified independent social worker with a master's or doctoral degree in social work.

(c) An individual, other than an individual specified in par. (a) or (b) who is approved in advance by the social worker section.

(6) For applications for licensure as a clinical social worker received after November 1, 2002, supervision may be exercised by any of the following:

(a) An individual licensed as a clinical social worker who has received a doctoral degree in social work.

(b) An individual licensed as a clinical social worker who has engaged in the equivalent of 5 years of full-time clinical social work.

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

(d) An individual, other than an individual specified in par. (a), (b) or (c), who is approved in advance by the social worker section.

SECTION 33. SFC 5.01 (1) to (5) and the Note following SFC 5.01 (5) are amended to read:

SFC 5.01 Examination. (1) An applicant for a certificate as a social worker, advanced practice social worker, or independent social worker or ~~an independent~~ for licensure as a clinical social worker shall pass all parts of the examination required by the social worker section, unless the applicant is exempt from the examination requirement.

(2) An applicant for a certificate as a social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required degree.

(3) An applicant for a certificate as an advanced practice social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required degree.

(4) An applicant for a certificate as an independent social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required period of supervised practice.

(5) An applicant for a ~~certificate~~ license as ~~an independent~~ a clinical social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required period of supervised practice.

Note: A listing of the examinations approved by the social worker section may be obtained from the ~~board office~~, Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, c/o the Department of Regulation and Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935.

SECTION 34. SFC 6.02, 6.03, 6.04 (title) and 6.04 are amended to read:

SFC 6.02 Certified advanced practice social worker. A certified advanced practice social worker may evaluate and intervene in complex difficulties in psychosocial functioning. Intervention plans may include psychosocial evaluation, counseling of individuals, families, and groups; referral to community resources; advocacy; and facilitation of organizational change to meet social needs. A certified advanced practice social worker may engage in psychotherapeutic activities only ~~as permitted in ch. SFC 7~~ under the supervision of a person authorized by the

board or by the department of health and family services to supervise the practice of clinical social work.

SFC 6.03 Certified independent social worker. A certified independent social worker may evaluate and intervene in complex difficulties in psychosocial functioning. Intervention plans may include psychosocial evaluation, counseling of individuals, families, and groups; referral to community resources; advocacy; facilitation of organizational change to meet social needs. A certified independent social worker may practice social work independently but may engage in psychotherapeutic activities under supervision only as permitted in ch. SFC 7 under the supervision of a person authorized by the board or by the department of health and family services to supervise the practice of clinical social work.

SFC 6.04 (title) ~~Certified independent~~ Licensed clinical social worker. A ~~certified independent licensed~~ clinical social worker may provide services without supervision for the diagnosis, treatment, and prevention of mental and emotional disorders in individuals, families, and groups to restore, maintain, and enhance social functioning through treatment interventions which may include, but are not limited to, psychosocial evaluation; counseling of individuals, families and groups; referral to community resources; advocacy; and facilitation of organizational change to meet social needs; and individual, marital, and group psychotherapy. A ~~certified independent licensed~~ clinical social worker may engage in psychotherapeutic activities only as permitted in ch. SFC MPS 7 without supervision.

SECTION 35. Chapter SFC 7 is repealed.

SECTION 36. SFC 8.01 is repealed.

SECTION 37. SFC 8.02 (title), (1), (b) and (2) to (9) are amended to read:

SFC 8.02 (title) Continuing education requirements for ~~certificate~~ credential holders. (1) Unless granted a postponement or waiver under sub. (7), every ~~social worker, advanced practice social worker, independent social worker, and independent clinical social worker certificate holder~~ person certified or licensed by the social worker section shall complete at least 30 education hours in each 2-year certification credentialing period which begins on July 1 of each odd-numbered year as specified in s. 457.20 (2), Stats., and shall verify compliance as part of his or her application for credential renewal.

(b) Of the 30 required hours, at least 4 hours shall be in the subject area of social work ethics. At least 2 of the 4 hours shall be in issues concerning professional boundaries. The section may require that up to 2 continuing education hours in each 2-year ~~certification~~ credentialing period be acquired within other specified topic areas. Notice of any such requirement will be published in the regulatory digest.

(2) Continuing education hours shall apply only to the ~~certification~~ credentialing period in which the hours are acquired. A ~~certificate~~ credential holder who applies for renewal after the renewal date specified in s. 457.20 (2), Stats., shall submit proof to the section that he or she has completed at least 30 continuing education hours during the 2 years immediately

preceding the date of application for renewal and meet the requirements for late renewal specified in s. 440.08 (3), Stats. Continuing education hours submitted to satisfy this requirement for late renewal shall not be used to satisfy continuing education requirements for a subsequent renewal.

(3) Every ~~certificate~~ credential holder shall retain original documents showing attendance at programs and completion of self-developed programs for at least 4 years from the time that credit is claimed for the continuing education program under s. SFC 8.01. At the request of the section, ~~certificate~~ credential holders shall deliver their original documents to the section.

(4) Unless granted a postponement or waiver under sub. (7), a ~~certificate~~ credential holder who fails to meet continuing education requirements by the renewal deadline shall cease and desist from using a social worker title protected under ch. 457, Stats., and if licensed as a clinical social worker, shall cease practice as a clinical social worker.

(5) During the time between initial certification or licensure and commencement of a full 2-year ~~certification~~ credentialing period, a new ~~certificate~~ credential holder shall not be required to meet continuing education requirements for the first renewal of his or her ~~certification~~ credential, except that a person initially licensed on November 1, 2002 as a result of the nonstatutory provisions of Act 80 will be required to meet the continuing education requirement as if he or she had continued under the preceding certification.

(6) Applicants from other states applying under s. 457.15 (1), Stats., shall submit proof of completion of at least 30 continuing education hours substantially meeting the requirements of this chapter within the 2-year ~~certification~~ credentialing period prior to application.

(7) A ~~certificate~~ credential holder may apply to the section for a postponement or waiver of the requirements of this chapter on grounds of prolonged illness or disability, or on other grounds constituting extreme hardship. The section shall consider each application individually on its merits, and the section may grant a postponement, partial waiver or total waiver as deemed appropriate in the circumstances.

(8) The section may grant an exemption from the requirements of this chapter to a ~~certificate~~ credential holder who certifies to the section that he or she has permanently retired and no longer uses a social worker title protected under ch. 457, Stats. in any professional practice and, if licensed as a clinical social worker, no longer practices as a clinical social worker.

(9) A ~~certificate~~ credential holder who has been granted an exemption from the requirements of this chapter based on retirement from the active practice of social work may not return to the active practice of social work without submitting evidence satisfactory to the section that the holder completed at least 30 continuing education hours during the 2 years immediately preceding the date of application to return to active practice and meets the requirements for late renewal specified in s. 440.08, Stats.

SECTION 38. SFC 8.03 (1) (intro.) and (f) are amended to read:

SFC 8.03 (1) (intro.) The social worker section does not pre-approve continuing education programs. The social worker section will accept for continuing education credit programs consisting of relevant subject matter taught by qualified presenters. The acceptability of a continuing education program depends on the subject matter of the program rather than the program's title. ~~The subject matter of a program in social work ethics should address one or more of the topics in ch. SFC 20.~~ A continuing education program may be used to satisfy the requirements of this chapter if the subject matter of the continuing education program is one or more of the following:

(f) Social work ethics. A program in social work ethics should address one or more of the topics in ch. SFC 20.

SECTION 39. SFC 8.03 (1) (i) is created to read:

SFC 8.03 (1) (i) Acceptable sponsoring organizations include but are not limited to:

- (a) Public and private agencies that provide in-house training and development programs which meet agency mission requirements.
- (b) Accredited college and university schools of social work.
- (c) Local or national professional social work associations.

SECTION 40. SFC 8.03 (2) (e) and (f) are amended to read:

SFC 8.03 (2) (e) Interactive internet learning courses offered by an accredited university or preapproved by the ASWB: 1 CEH per .1 CEU of instruction, but no more than 16 CEHs for interactive internet courses will be accepted in any ~~biennium~~ 2 year credentialing period.

(f) Self-study courses, including courses via the internet, approved by the association of social work boards, accredited college or university schools of social work, or local or national professional social work organizations including courses via the internet: 1 CEH per credit completed, but self-study courses may not be used to satisfy the social work ethics requirement, and a maximum of 5 CEHs for self-study courses will be accepted in any ~~biennium~~ 2 year credentialing period unless an exception is granted in advance by the section based on hardship or other extenuating circumstances.

SECTION 41. SFC 8.04 is amended to read:

SFC 8.04 Compliance. The section may conduct audits or investigations to ~~monitor or~~ determine compliance by ~~certificate~~ credential holders with this chapter.

SECTION 42. SFC 10.01 (1), (4), (5) and (6) are amended to read:

SFC 10.01 (1) "Client" means the individual, family, group, business, agency, school, organization, or association for whom the ~~credential~~ license holder ~~of the board~~ provides professional services for which the ~~credential~~ license holder is usually and customarily compensated. The term "client" includes the term and concept of "patient."

(4) "Psychotherapy" means ~~the use of learning, conditioning methods and emotional reactions in a professional relationship to assist persons to modify feelings, attitudes and behaviors which are intellectually, socially or emotionally maladjustive or ineffectual~~ 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, cognition's, emotions, and other personal characteristics, which may include the purpose of understanding unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

(5) "Regionally accredited college or university" means a college or university which is accredited by any of the following bodies: the New England association of schools and colleges, the middle states association of colleges and schools, the north central association of colleges and schools, the northwest association of schools and colleges, the southern association of colleges and schools, the western association of schools and colleges. Applicants for ~~certification~~ licensure shall prove that the college or university at which the applicant completed course work on which the applicant relies for ~~certification~~ licensure eligibility was regionally accredited at the time the applicant completed the course work.

(6) "Supervision" means the direction of professional counseling practice in face-to-face individual or group sessions lasting an average of at least one hour between the person whose practice is being supervised and the person who is providing the supervision of the practice, during each week that the person seeking ~~certification~~ licensure practices professional counseling.

SECTION 43. SFC 10.01 (7) and (8) are repealed.

SECTION 44. SFC 11.01 (title), (1) (intro.), (a), (e) and (f) are amended to read:

SFC 11.01 (title) Application for ~~certification~~ licensure as a professional counselor.
(1) (intro.) In addition to paying the fee under s. 440.05 (1), Stats., an applicant for ~~certification~~ licensure as a professional counselor shall submit the completed, signed application form and:

(a) A certificate of professional education, signed and sealed by the chancellor, dean or registrar of the school from which the applicant has graduated with an approved degree. An applicant who does not have a master's or doctoral degree in professional counseling shall be considered for ~~certification~~ licensure as a professional counselor upon the professional counselors section's receipt of a complete description of the academic program which the applicant proposes as the equivalent of a master's or doctoral degree in professional counseling. The professional counselors section may request additional information as necessary

to complete the evaluation of the applicant's academic program for compliance with s. SFC 14.01 or 14.02.

(e) Verification of the applicant's licensure credential in all jurisdictions in which the applicant has ever been credentialed.

(f) For all applicants who have been convicted of a crime, or of a traffic offense which did or could result in the suspension or revocation of the applicants' driver's license, or who have such charges pending against them, all information necessary for the section to determine whether the circumstances of the pending charge or conviction are substantially related to the duties of the practice under the certificate license.

SECTION 45. SFC 11.02 is amended to read:

SFC 11.02 ~~Unless an applicant is exempt from the examination requirement, an~~ An applicant for certification as a professional counselor shall pass both parts of the examination required under s. 457.12 (4), Stats., consisting of the Wisconsin statutes and rules examination and either the national counselor examination or the certified rehabilitation counselor examination. ~~The professional counselors section may not grant certification to an applicant who has not passed the examination unless the applicant is exempt from the examination requirement.~~ Both parts of the examination may be taken prior to the completion of the required period of supervised practice.

SECTION 46. SFC 11.035 (title) and 11.035 are amended to read:

SFC 11.035 (title) Temporary certificate license. The professional counselor section may issue a temporary certificate license permitting the use of the title "professional counselor" to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the certificate except for passing the required examination to use the title "professional counselor" and to practice professional counseling. The temporary certificate license expires 9 months after its issuance or upon notification of failure of passing the required examination under s. 457.12 (4), Stats., whichever occurs earlier. The temporary certificate license may not be renewed.

SECTION 47. SFC 11.04 (title), (intro.), (2) and (4) are amended to read:

SFC 11.04 (title) Reciprocal certificate license. (intro.) The professional counselor section shall grant a certificate license as a professional counselor under s. 457.12, Stats., to an applicant who pays the fee required by s. 440.05 (2), Stats., and provides evidence of all of the following to the section:

(2) The requirements for the grant of the credential in the other state or territory of the United States are substantially equivalent to the requirements for the grant of a certificate license under s. 457.12, Stats.

(4) If the applicant has been convicted of a crime, or of a traffic offense which did or could result in the suspension or revocation of the applicant's driver's license, or the applicant has such charges pending against the applicant, the applicant has disclosed all information necessary for the section to determine whether the circumstances of the pending charge or conviction are substantially related to the duties of practice under a professional counselor ~~certificate~~ license.

SECTION 48. SFC 12.01 (1) (title) is repealed.

SECTION 49. SFC 12.01 (1) is renumbered SFC 12.01 and amended to read:

SFC 12.01 ~~Supervision for certification eligibility~~. An applicant for ~~certification licensure~~ as a professional counselor under s. 457.12, Stats., shall complete a period of supervised practice to become eligible for the certificate. Supervision of the practice of professional counseling undertaken to meet the pre-~~certification licensure~~ requirement may be exercised by a person other than an employment supervisor. The supervisor may exercise discretion as to the frequency, duration, and intensity of the supervision sessions to meet an average of one hour supervised practice per week during the supervised practice period.

SECTION 50. SFC 12.01 is repealed and recreated to read:

SFC 12.01 Supervised practice requirements. An applicant for licensure as a professional counselor under s. 457.12, Stats., shall complete a period of supervised practice to become eligible for the certificate. Supervision of the practice of professional counseling undertaken to meet the pre-licensure requirement may be exercised by a person other than an employment supervisor. The supervisor may exercise discretion as to the frequency, duration, and intensity of the supervision sessions to meet an average of one hour supervised practice per week during the supervised practice period.

(1) An applicant who has received a master's degree shall complete at least 3,000 hours of professional counseling practice, including at least 1,000 hours of face-to-face client contact, under the supervision of a person specified in s. SFC 12.02 (2) before the applicant is eligible for a license as a professional counselor.

(2) An applicant who has received a doctoral degree shall complete, either during or after completion of the doctoral degree program, at least 1,000 hours of professional counseling practice, under the supervision of a person specified in s. SFC 12.02 (2) before the applicant is eligible for a license as a professional counselor.

SECTION 51. SFC 12.02 (2) (a) is repealed.

SECTION 52. SFC 12.02 (2) is repealed and recreated to read:

SFC 12.02 (2) Supervision of a period of supervised practice of professional counseling may be exercised by any of the following:

(a) An individual licensed as a professional counselor who has received a doctoral degree in professional counseling.

(b) An individual licensed as a professional counselor who has engaged in the equivalent of 5 years of full-time professional counseling.

(c) A licensed clinical social worker.

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

(e) A person employed by the division of vocational rehabilitation as a civil service vocational rehabilitation supervisor, level 3, or as a workforce development manager.

(f) An individual, other than an individual specified in pars. (a) to (e), who is approved in advance by the professional counselor section.

SECTION 53. Chapter SFC 13 is repealed.

SECTION 54. SFC 15.01 (intro.) is amended to read:

SFC 15.01 (intro.) Definitions. As used in chs. SFC 15 to ~~17~~ 18:

SECTION 55. SFC 16.01 (title), (1) (intro.), (1), (b), (d), (2) (a) and (c) are amended to read:

SFC 16.01 (title) Application for ~~certification~~ licensure as a marriage and family therapist. (1) (intro.) In addition to paying the fee specified in s. 440.08 (2) (a), Stats., an applicant for ~~certification~~ licensure as a marriage and family therapist shall submit the completed, signed application form and:

(b) An affidavit that the applicant has completed ~~the equivalent of 2 years of supervised practice of marriage and family therapy~~ at least 3000 hours of marriage and family therapy practice, including at least 1000 hours of face-to-face client contact, under the supervision of a supervisor approved by the section pursuant to s. SFC 16.05.

(d) Verification of the applicant's ~~licensure~~ credential in all jurisdictions in which the applicant has ever been credentialed.

(2) (a) An affidavit that the applicant has completed ~~the equivalent of 2 years of supervised practice of marriage and family therapy~~ at least 3000 hours of marriage and family therapy practice, including at least 1000 hours of face-to-face client contact, under the supervision of a supervisor approved by the section pursuant to s. MPS 16.05.

(c) Verification of the applicant's ~~licensure~~ credential in all jurisdictions in which the applicant has ever been credentialed.

SECTION 56. SFC 16.03 is amended to read:

SFC 16.03 Supervised clinical practice. ~~For purposes of meeting the postgraduate supervised practice requirement, 2 years of clinical practice of marriage and family therapy consists of 1,000 hours of client contact over a period of not less than 24 months.~~ The person whose practice is being supervised shall receive a minimum of 50 hours of face-to-face supervision within each 12 month period 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.

SECTION 57. SFC 16.04 is repealed.

SECTION 58. SFC 16.05 (1) (a) is renumbered SFC 16.05 (1) (d) and amended to read:

SFC 16.05 (1) (d) A person who holds an "approved supervisor" certificate from the American association for marriage and family therapy; ~~or,~~

SECTION 59. SFC 16.05 (1) (b) and (c) are repealed.

SECTION 60. SFC 16.05 (1) (a) to (c) and (e) are created to read:

SFC 16.05 (1) (a) An individual licensed as a marriage and family therapist who has received a doctoral degree in marriage and family therapy.

(b) An individual licensed as a marriage and family therapy who has engaged in the equivalent of 5 years of full-time marriage and family therapy.

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

(e) An individual, other than an individual specified in par. (a), (b), (c) or (d), who is approved in advance by the marriage and family therapist section.

SECTION 61. SFC 17.01 (title) and 17.01 are amended to read:

SFC 17.01 (title) Temporary ~~certificate~~ license. ~~A temporary permit for the use of the title marriage and family therapist shall be issued to.~~ 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 ~~certificate~~ license as a marriage and family therapist upon payment of the fee for the temporary ~~permit~~ 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 ~~permit~~ 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 occurs sooner. The marriage and family therapists section may grant one renewal of the temporary ~~permit~~ 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 ~~certificate~~ license, whichever occurs sooner. A person who fails the ~~certification~~ licensure examination shall immediately return the temporary ~~permit~~ license to the marriage and family therapists section. The marriage and family therapists section may not grant or renew a temporary ~~permit~~ license to an applicant who has failed the ~~certification~~ licensure examination.

SECTION 62. SFC 17.02 (title), (intro.), (2) and (4) are amended to read:

SFC 17.02 (title) Reciprocal ~~certificate~~ license. (intro.) The marriage and family therapist section shall grant a ~~certificate~~ license as a marriage and family therapist under s. 457.10, Stats., to an applicant who pays the fee required by s. 440.05 (2), Stats., and provides evidence of all of the following to the section:

(2) The requirements for the grant of the credential in the other state or territory of the United States are substantially equivalent to the requirements for the grant of a ~~certificate~~ license under s. 457.10, Stats.

(4) If the applicant has been convicted of a crime, or of a traffic offense which did or could result in the suspension or revocation of the applicant's driver's license, or the applicant has such charges pending against the applicant, the applicant has disclosed all information necessary for the section to determine whether the circumstances of the pending charge or conviction are substantially related to the duties of practice under a marriage and family therapist ~~certificate~~ license.

SECTION 63. SFC 17.03 is created to read:

SFC 17.03 Training certificate. (1) The marriage and family therapist section shall grant a marriage and family therapist training certificate to any individual who does all of the following:

(a) Submits an application for the certificate to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (6), Stats.

(c) Satisfies the requirements in s. 457.10 (2), Stats.

(d) Submits evidence satisfactory to the marriage and family therapist section that he or she is employed full-time, or has an offer of full-time employment, as a marriage and family therapist in a supervised marriage and family therapist practice or in a position in which the applicant will, in the opinion of the marriage and family therapist section, receive training and supervision equivalent to the training and supervision received in a full-time supervised marriage and family therapist practice.

(2) A marriage and family therapist training certificate is valid for 24 months or until the date on which the holder of the certificate ceases to be employed in a position specified

in sub. (1) (d), whichever occurs first, and may not be renewed by the marriage and family therapist section. A marriage and family therapist training certificate authorizes the holder to use any title specified in s. 457.04 (5), Stats., and to practice marriage and family therapy within the scope of his or her training or supervision during the period in which the certificate is valid.

SECTION 64. SFC 18.01 is amended to read:

SFC 18.01 Examination. An applicant for a ~~certificate~~ license as a marriage and family therapist shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and the examination in marriage and family therapy of the association of marital and family therapy regulatory boards. Both parts of the examination may be taken prior to the completion of the required period of supervision.

SECTION 65. SFC 20.02 (intro.), (1), (4), (9), (15), (17), (20) and (21) are amended to read:

SFC 20.02 (intro.) Unprofessional conduct related to the practice under ~~the~~ a credential issued under ch. 457, Stats., includes, but is not limited to, engaging in, attempting to engage in, or aiding or abetting the following conduct:

(1) Performing or offering to perform services for which the ~~certificate~~ credential holder is not qualified by education, training or experience.

(4) Using fraud or deception in the application for a ~~certificate~~ credential.

(9) Practicing or attempting to practice while the ~~certificate~~ credential holder is impaired due to the utilization of alcohol or other drugs, or as a result of an illness which impairs the ~~certificate~~ credential holder's ability to appropriately carry out the functions delineated under the credential in a manner consistent with the safety of a client, patient, or the public.

(15) Employing or claiming to have available secret techniques or procedures that the ~~certificate~~ credential holder refuses to divulge.

(17) Failing to inform the client of financial interests which are not obvious and which might accrue to the ~~certificate~~ credential holder for referral to or for any use of service, product or publication.

(20) Failing to notify the board that a license, certificate or registration for the practice of any profession previously issued to the ~~certificate~~ credential holder has been revoked, suspended, limited or denied, or subject to any other disciplinary action by the authorities of any jurisdiction.

(21) Failing to make reasonable efforts to notify a client or a client's authorized representative when professional services will be interrupted or terminated by the ~~professional~~ credential holder.

(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

Examining Board of Social Workers, Marriage
and Family Therapists and Professional Counselors

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Wis. Stat.

g:\rules\psycho.doc
7/15/02

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

**IN THE MATTER OF RULE-MAKING : PROPOSED 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 02-105)**

TO: Senator Judy Robson, Senate Co-Chairperson
Joint Committee for the Review of Administrative Rules
Room 15 South, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL WORK EXAMINING BOARD is submitting in final draft form rules relating to changes made as a result of 2001 Wisconsin Act 80 involving practitioners of psychotherapy.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

**STATE OF WISCONSIN
EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS**

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE :
EXAMINING BOARD OF SOCIAL : **REPORT TO THE LEGISLATURE**
WORKERS, MARRIAGE AND : **ON CLEARINGHOUSE RULE 02-105**
FAMILY THERAPISTS AND : **(s. 227.19 (3), Stats.)**
PROFESSIONAL COUNSELORS :

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

Attached.

IV. STATEMENT EXPLAINING NEED:

This proposed rule-making order implements the statutory changes made as a result of 2001 Wisconsin Act 80, relating to the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

The rule changes are as follows:

- 1: changes internal references within the rules.
- 2: changes the name of the board to the Marriage and Family Therapy, Professional Counselors and Social Worker Examining Board.
- 3: creates a definition of "credential".
- 4: adopts the statutory definition of "psychotherapy".
- 5: places the sections of the board in alphabetical order.
- 6: replaces "certificate" with "credential".
- 7: adds the name of the board to the department's mailing address.
- 8: replaces "certificate" with "credential" and distinguishes licensure for clinical social workers.
- 9: replaces "certificate" with "credential".
- 10: replaces "certificate" with "credential" and adds "licensure" where appropriate.

- 11: creates the requirements under which credential holders may practice AODA counseling, imposes a requirement for professional liability insurance, and creates the requirements under which credential holders may engage in psychometric testing.
- 12: changes internal references within the rules.
- 13: changes the title "certified independent clinical social worker" to "licensed clinical social worker".
- 14: changes the definition of "clinical social work practice".
- 15: repeals the previous definition of "two years of practice" for social workers.
- 16: adds "licensure" to a chapter heading.
- 17: changes "licensure" to "credential".
- 18: changes "licensure" to "credential".
- 19: adopts the new standard of 3,000 hours of supervised practice and changes "licensure" to "credential".
- 20: adopts the new standard of 3,000 hours of supervised practice and changes "licensure" to "credential" and "certification" to "licensure" for clinical social workers.
- 21: expands temporary credentials to all categories of social worker.
- 22: adds "licensure" to a section heading.
- 23: imposes a requirement that reciprocal CSW applicants pass the jurisprudence exam.
- 24: imposes a requirement that reciprocal CAPSW applicants pass the jurisprudence exam.
- 25: imposes a requirement that reciprocal CISW applicants pass the jurisprudence exam.
- 26: changes "certificate" to "license" and makes a syntax change.
- 27: imposes a requirement that reciprocal LCSW applicants pass the jurisprudence exam.
- 28: adds "licensure" to a chapter heading.
- 29: rearranges existing text.
- 30: rearranges existing text.
- 31: rearranges existing text and removes text made unnecessary by other changes.
- 32: eliminates text made unnecessary by other changes.
- 33: defines acceptable supervisors for supervised clinical practice.
- 34: replaces "certificate" with "credential" and permits applicants to take exams prior to graduation and prior to the completion of supervised practice.
- 35: rearranges text for clarity, acknowledges that social workers may practice in clinics under DHFS rules, and clarifies the extent to which social workers may practice independently.
- 36: acknowledges that social workers may practice in clinics under DHFS rules.
- 37: eliminates confusing references to DHFS requirements.
- 38: eliminates an unnecessary reference to continuing education requirements contained elsewhere.
- 39: rearranges current text on continuing education requirements for clarity and replaces "certificate" with "credential".
- 40: creates a continuing education requirement for credential holders who engage in AODA counseling as a specialty.
- 41: rearranges current text on continuing education requirements for clarity.
- 42: rearranges existing text.
- 43: rearranges existing text.

- 44: makes minor changes to continuing education requirements and replaces "biennium" with "2 year credentialing period".
- 45: replaces "certificate" with "credential" and rearranges existing text.
- 46: replaces "credential" and "certificate" with "license".
- 47: repeals the previous definitions of "psychotherapy" and one and two years of practice for professional counselor.
- 48: adds "licensure" to a chapter heading.
- 49: changes "certification" to "licensure" and "licensure" to "credential", and makes a syntax change.
- 50: changes "certification" to "licensure" and permits applicants to take exams prior to the completion of supervised practice.
- 51: changes "certificate" to "license" and acknowledges practice protection for professional counseling.
- s. 52: changes "certificate" to "license" and makes a syntax change.
- s. 53: imposes a requirement that reciprocal professional counselor applicants pass the jurisprudence exam.
- s. 54: adopts the new standard of 3,000 hours of supervised practice for master's-level candidates, and 1,000 hours for doctorate-level applicants.
- s. 55: defines acceptable supervisors for supervised clinical practice.
- s. 56: changes "certification" to "licensure".
- s. 57: defines standards for professional counselors to be qualified for the independent practice of psychotherapy.
- s. 58: adds continuing education to a chapter title.
- s. 59: creates continuing education requirements for professional counselors.
- s. 60: lists acceptable providers of continuing programs for professional counselors.
- s. 61: changes internal references within the rules.
- s. 62: changes the name of an accrediting organization.
- s. 63: acknowledges the ability of marriage and family therapists to practice without supervision but acknowledges that marriage and family therapists may practice in clinics under DHFS rules.
- s. 64: adds "licensure" to a chapter heading.
- s. 65: changes "certification" to "licensure" and "license" to "credential", adds a commonly-used abbreviation for an organization, and adopts the new standard of 3,000 hours of supervised practice.
- s. 66: changes "certification" to "licensure" and adopts the new standard of 3,000 hours of supervised practice.
- s. 67: eliminates the previous standard for supervised practice.
- s. 68: eliminates unnecessary text.
- s. 69: defines acceptable supervisors for supervised clinical practice.
- s. 70: changes "certificate" and "permit" to "license" in a chapter heading.
- s. 71: changes "certificate" and "permit" to "license" and acknowledges practice protection for marriage and family therapy.
- s. 72: changes "certificate" to "license" and makes a syntax change.
- s. 73: imposes a requirement that reciprocal marriage and family therapist applicants pass the jurisprudence exam.
- s. 74: creates a marriage and family therapist training certificate.

- s. 75: changes "certificate" to "license" and permits applicants to take exams prior to the completion of supervised practice.
- s. 76: creates continuing education requirements for marriage and family therapists.
- s. 77: changes "certificate" to "credential" and places the sections of the board in alphabetical order.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on August 12, 2002

The following individuals appeared at the public hearing and provided testimony:

Cheryl Rugg, Mequon, WI
William M. Stone, Oconomowoc, WI
Larry Kahl, Manitowoc, WI
Jeff Percy, Brookfield, WI
Michael Kemp, Oshkosh, WI
Ken Snart, Oshkosh, WI
Jan Remmers, Green Bay, WI
Linda J. Kirk, Fond du Lac, WI
Todd C. Campbell, Milwaukee, WI
William Olcott, Appleton, WI
James Lipusch, Port Washington, WI
Wolfgang Wallschlaeger, Combined Locks, WI
Mary Lu Anderson, Madison, WI
Rosalie Migas, Madison, WI
Cheryl Brouillard, Appleton, WI
Shelly Plamann, Appleton, WI
Michael M. Miller, Middleton, WI
Fred Harvey, Wauwatosa, WI
Prudencio Oyarbide, Madison, WI
Deborah Schingen, Milwaukee, WI
Linda Hall, Madison, WI
Ann Marie Starr, Shorewood, WI
Vincent Ritacca, Madison, WI
Robert Daugherty, Burlington, WI
Pat Schultz Chippewa Falls, WI
Paul Mason, Racine, WI
Dismas Becker, Milwaukee, WI

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report were accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

g:\rules\psycholeg.doc
8/15/02

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.

2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is:

The total cost to implement the rule is estimated to be \$64,400. The Department can not absorb these costs.

Several areas of work will be required as a result of rule implementation. These include: 1) application development; 2) Renewal notice revision; 3) Establishment of AODA certification process including Board review of applicant qualifications; 4) Continuing Education development and review; 5) Development of a training licensure process; 6) Enforcement of new credentials, continuing education and AODA standards; and 7) IT work related automated systems; 8) Response to questions regarding Act 80 from licensees; and 9) notification via mail to current certificate holders.

The inclusion of a provision for the Social Work section to review and certify a person as a substance abuse counselor, rather than relying solely on the DFS process, will have a substantial impact on costs to the Department. It is estimated that this provision alone will incrementally increase costs by \$30,000. Additional time will be needed by processing staff to review submitted materials. The Board will need to be convened and staffed for review and interview of potential credential holders. Follow-up will be needed with applicant credentials that fail to satisfy the Board.

3. The projected net annualized fiscal impact on state funds of the proposed rule is: On-going costs of the proposed rule are estimated at \$35,000 annually.

STATE OF WISCONSIN
EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND
FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF SOCIAL
EXAMINING BOARD OF SOCIAL : WORKERS, MARRIAGE AND FAMILY
WORKERS, MARRIAGE AND FAMILY : THERAPISTS AND PROFESSIONAL
THERAPISTS AND PROFESSIONAL : COUNSELORS ADOPTING RULES
COUNSELORS : (CLEARINGHOUSE RULE 02-105)

PROPOSED ORDER

An order of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors to repeal SFC 2.01 (19), the Note following SFC 4.01 (1), 4.01 (1) (a) and (b), the Note following SFC 4.01 (4), ch. SFC 7, 8.01, the Note following SFC 8.03 (1), 10.01 (4), (7) and (8), 16.04; to renumber and amend SFC 2.01 (3); to amend SFC 1.02 (intro.), (1) and (3), 1.04 (2), the Note following SFC 1.04 (2), 1.05 (1), (5), (7), 1.07 (intro.) and (2), 1.08 (title) and (1) to (5), 2.01 (intro.), (8), (11), (13), (16), ch. SFC 3 (title), 3.01 (4), 3.05 (4), 3.07 (3) and (5), 3.09 (intro.), (3) and (5), 3.12 (title), (4) (intro.), (a) and (b), ch. SFC 4 (title), 4.01 (title) and (1), 5.01 (1) to (5) and the Note following 5.01 (5), 6.01, 6.02, 6.03, 6.04 (title) and 6.04, 8.02 (title), (1) (b) and (2) to (9), 8.03 (1) (intro.) and (f), 8.03 (2) (intro.), (e) and (f), 8.04, 10.01 (1), (5) and (6), ch. SFC 11 (title), 11.01 (title), (1) (intro.), (a), (e) and (f), 11.02, 11.035 (title) and 11.035, 11.04 (title), (intro.), (2) and (4), 12.03 (title) and 12.03, ch. SFC 14 (title), 15.01 (intro.) and (2), ch. SFC 16 (title), 16.01 (title), (1) (intro.), (1) (a) 3., (1), (b), (d), (2) (a) and (c), the Note following 16.02 (1) (f), 16.03, ch. SFC 17 (title), 17.01 (title) and 17.01, 17.02 (title), (intro.), (2) and (4), 18.01, 20.02 (intro.), (1), (4), (9), (15), (17), (20), (21) and (23); to repeal and recreate SFC 3.11, 12.01, 12.02 (2), 13.01, and 16.05 (1); and to create SFC 1.02 (1q) and (2m), 1.09, 1.10 and 1.11, 3.12 (1) (e), (2) (e), (3) (e), (4) (e), 4.01 (5) and (6), a Note following SFC 6.04, 8.02 (1) (d), 8.03 (1m), 11.04 (5), 14.03, 14.04, 15.02 and a Note following 15.02, 17.02 (5), 17.03, and ch. SFC 19, relating to changes made as a result of 2001 Wisconsin Act 80, involving practitioners of psychotherapy.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats., and chapter 457, Stats. as affected by 2001 Wisconsin Act 80.

Statutes interpreted: Chapter 457, Stats., as affected by 2001 Wisconsin Act 80.

This proposed rule-making order implements the statutory changes made as a result of 2001 Wisconsin Act 80, relating to the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

The rule changes are as follows:

- s. 1: changes internal references within the rules.
- s. 2: changes the name of the board to the Marriage and Family Therapy, Professional Counselors and Social Worker Examining Board.
- s. 3: creates a definition of "credential".
- s. 4: adopts the statutory definition of "psychotherapy".
- s. 5: places the sections of the board in alphabetical order.
- s. 6: replaces "certificate" with "credential".
- s. 7: adds the name of the board to the department's mailing address.
- s. 8: replaces "certificate" with "credential" and distinguishes licensure for clinical social workers.
- s. 9: replaces "certificate" with "credential".
- s. 10: replaces "certificate" with "credential" and adds "licensure" where appropriate.
- s. 11: creates the requirements under which credential holders may practice AODA counseling, imposes a requirement for professional liability insurance, and creates the requirements under which credential holders may engage in psychometric testing.
- s. 12: changes internal references within the rules.
- s. 13: changes the title "certified independent clinical social worker" to "licensed clinical social worker".
- s. 14: changes the definition of "clinical social work practice".
- s. 15: repeals the previous definition of "two years of practice" for social workers.
- s. 16: adds "licensure" to a chapter heading.
- s. 17: changes "licensure" to "credential".
- s. 18: changes "licensure" to "credential".
- s. 19: adopts the new standard of 3,000 hours of supervised practice and changes "licensure" to "credential".
- s. 20: adopts the new standard of 3,000 hours of supervised practice and changes "licensure" to "credential" and "certification" to "licensure" for clinical social workers.
- s. 21: expands temporary credentials to all categories of social worker.
- s. 22: adds "licensure" to a section heading.
- s. 23: imposes a requirement that reciprocal CSW applicants pass the jurisprudence exam.
- s. 24: imposes a requirement that reciprocal CAPSW applicants pass the jurisprudence exam.
- s. 25: imposes a requirement that reciprocal CISW applicants pass the jurisprudence exam.
- s. 26: changes "certificate" to "license" and makes a syntax change.
- s. 27: imposes a requirement that reciprocal LCSW applicants pass the jurisprudence exam.
- s. 28: adds "licensure" to a chapter heading.
- s. 29: rearranges existing text.
- s. 30: rearranges existing text.
- s. 31: rearranges existing text and removes text made unnecessary by other changes.
- s. 32: eliminates text made unnecessary by other changes.
- s. 33: defines acceptable supervisors for supervised clinical practice.
- s. 34: replaces "certificate" with "credential" and permits applicants to take exams prior to graduation and prior to the completion of supervised practice.
- s. 35: rearranges text for clarity, acknowledges that social workers may practice in clinics under DHFS rules, and clarifies the extent to which social workers may practice independently.
- s. 36: acknowledges that social workers may practice in clinics under DHFS rules.

- s. 37: eliminates confusing references to DHFS requirements.
- s. 38: eliminates an unnecessary reference to continuing education requirements contained elsewhere.
- s. 39: rearranges current text on continuing education requirements for clarity and replaces "certificate" with "credential".
- s. 40: creates a continuing education requirement for credential holders who engage in AODA counseling as a specialty.
- s. 41: rearranges current text on continuing education requirements for clarity.
- s. 42: rearranges existing text.
- s. 43: rearranges existing text.
- s. 44: makes minor changes to continuing education requirements and replaces "biennium" with "2 year credentialing period".
- s. 45: replaces "certificate" with "credential" and rearranges existing text.
- s. 46: replaces "credential" and "certificate" with "license".
- s. 47: repeals the previous definitions of "psychotherapy" and one and two years of practice for professional counselor.
- s. 48: adds "licensure" to a chapter heading.
- s. 49: changes "certification" to "licensure" and "licensure" to "credential", and makes a syntax change.
- s. 50: changes "certification" to "licensure" and permits applicants to take exams prior to the completion of supervised practice.
- s. 51: changes "certificate" to "license" and acknowledges practice protection for professional counseling.
- s. 52: changes "certificate" to "license" and makes a syntax change.
- s. 53: imposes a requirement that reciprocal professional counselor applicants pass the jurisprudence exam.
- s. 54: adopts the new standard of 3,000 hours of supervised practice for master's-level candidates, and 1,000 hours for doctorate-level applicants.
- s. 55: defines acceptable supervisors for supervised clinical practice.
- s. 56: changes "certification" to "licensure".
- s. 57: defines standards for professional counselors to be qualified for the independent practice of psychotherapy.
- s. 58: adds continuing education to a chapter title.
- s. 59: creates continuing education requirements for professional counselors.
- s. 60: lists acceptable providers of continuing programs for professional counselors.
- s. 61: changes internal references within the rules.
- s. 62: changes the name of an accrediting organization.
- s. 63: acknowledges the ability of marriage and family therapists to practice without supervision but acknowledges that marriage and family therapists may practice in clinics under DHFS rules.
- s. 64: adds "licensure" to a chapter heading.
- s. 65: changes "certification" to "licensure" and "license" to "credential", adds a commonly-used abbreviation for an organization, and adopts the new standard of 3,000 hours of supervised practice.
- s. 66: changes "certification" to "licensure" and adopts the new standard of 3,000 hours of supervised practice.
- s. 67: eliminates the previous standard for supervised practice.

- s. 68: eliminates unnecessary text.
- s. 69: defines acceptable supervisors for supervised clinical practice.
- s. 70: changes "certificate" and "permit" to "license" in a chapter heading.
- s. 71: changes "certificate" and "permit" to "license" and acknowledges practice protection for marriage and family therapy.
- s. 72: changes "certificate" to "license" and makes a syntax change.
- s. 73: imposes a requirement that reciprocal marriage and family therapist applicants pass the jurisprudence exam.
- s. 74: creates a marriage and family therapist training certificate.
- s. 75: changes "certificate" to "license" and permits applicants to take exams prior to the completion of supervised practice.
- s. 76: creates continuing education requirements for marriage and family therapists.
- s. 77: changes "certificate" to "credential" and places the sections of the board in alphabetical order.

TEXT OF RULE

SECTION 1. SFC 1.02 (intro.) is amended to read:

SFC 1.02 Definitions. (intro.) In chs. SFC 1 to 6, 8, and 10 to ~~18 and 20~~:

SECTION 2. SFC 1.02 (1) is amended to read:

SFC 1.02 (1) "Board" means the ~~examining board of social workers, marriage and family therapists and professional counselors~~ marriage and family therapy, professional counseling, and social work examining board.

SECTION 3. SFC 1.02 (1q) is created to read:

SFC 1.02 (1q) "Credential" means a certificate or a license granted by the board.

SECTION 4. SFC 1.02 (2m) is created to read:

SFC 1.02 (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.

SECTION 5. SFC 1.02 (3) is amended to read:

SFC 1.02 (3) "Section" means either ~~the social worker section, the marriage and family therapists section, or the professional counselor section~~ the marriage and family therapist section, the professional counselor section, or the social worker section of the ~~examining board of social~~

~~workers, marriage and family therapists and professional counselors~~ marriage and family therapy, professional counseling and social work examining board.

SECTION 6. SFC 1.04 (2) is amended to read:

SFC 1.04 (2) An applicant for any ~~certificate~~ credential under ch. 457, Stats., shall make application on forms prescribed by both the examination provider for the examination for the ~~certificate~~ credential for which the applicant is applying and the board. The applicant may not sit for an examination unless the applicant meets the requirements of both the examination provider and the interested section of the board.

SECTION 7. The Note following SFC 1.04 (2) is amended to read:

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

SECTION 8. SFC 1.05 (1), (5) and (7) are amended to read:

SFC 1.05 (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 clinical social worker, or ~~independent~~ for licensure as a clinical social worker, marriage and family therapist or professional counselor at least once a year.

(5) The board may deny release of grades or issuance of a ~~certificate~~ credential if the board determines that the applicant violated rules of conduct or otherwise acted dishonestly.

(7) An applicant for certification as a social worker, advanced practice social worker, or independent social worker or ~~independent~~ for licensure as a clinical social worker, need not take part II of the examination if within the 5 years preceding the date of application, the applicant took and passed part II in the process of applying for and receiving another social worker ~~certification~~ credential from the section.

SECTION 9. SFC 1.07 (intro.) and (2) are amended to read:

SFC 1.07 Claims of examination error. (intro.) An applicant for any ~~certificate~~ credential issued by the board who claims an error in the examination may file a written request for board review in the board office within 30 days of the date the examination was reviewed. The board shall review the claim and notify the applicant in writing of the board's decision and any resulting grade changes. Claims of examination error which are not filed within 30 days of an examination review shall be denied. The request shall include:

(2) The type of ~~certificate~~ credential applied for.

SECTION 10. SFC 1.08 (title) and (1) to (5) are amended to read:

SFC 1.08 (title) Certificate Credential renewal procedures for all sections of the board. (1) Each person granted a certificate credential under ch. 457, Stats., is certified or licensed for the current certification period only. To renew certification or licensure, a certificate credential holder shall by July 1 of the odd-numbered year following initial certification or licensure and every 2 years thereafter file with the board an application for renewal on a form prescribed by the board, and submit the fee under s. 440.08 (2), Stats.

(2) A certificate credential holder who fails to renew certification or licensure shall cease and desist from using practice and from use of the professional title. Within 5 years following the renewal date, a certificate credential holder may renew the expired certificate credential without examination by filing with the required renewal application, the renewal fee, and the late renewal fee under s. 440.08 (3), Stats. A certificate credential holder who fails to renew certification or licensure within 5 years of the renewal date may be reinstated by complying with the requirements for obtaining initial certification or licensure, including educational and examination requirements which apply at the time application is made.

(3) An applicant for reinstatement of certification or licensure following disciplinary action shall meet requirements in sub. (1) and may be required to successfully complete an examination as the board prescribes. An applicant who applies for reinstatement more than 5 years after the date of the order imposing discipline against the applicant may be reinstated by complying with the requirements for obtaining initial certification or licensure, including educational and examination requirements which apply at the time the application for reinstatement is made.

(4) The certificate credential and certificate of biennial certification or licensure shall be displayed in a prominent place by each person while certified or licensed by the board.

(5) Every certificate credential holder shall notify the department, in writing, of a change of name or address within 30 days of the change.

SECTION 11. SFC 1.09, 1.10 and 1.11 are created to read:

SFC 1.09 Alcohol and drug counseling. A person credentialed by the board may use the title "alcohol and drug counselor" or "chemical dependency counselor" only if he or she is certified as an alcohol and drug counselor or as a chemical dependency counselor through a process recognized by the department of health and family services. A person credentialed by the board may treat alcohol or substance dependency or abuse as a specialty only if he or she is certified as a substance abuse counselor under s. HFS 75.02 (84), or if he or she provides evidence satisfactory to the appropriate section that he or she satisfies the following requirements:

(1) Passed the ICRC written counselor certification examination.

(2) Completed at least 180 contact hours of AODA-specific education across the 4 knowledge domains.

(3) Engaged in at least 1,000 hours of face-to-face counseling experience with individuals diagnosed with substance use disorder, which can be either the same as or separate from the hours for initial licensure.

(4) Presents an affidavit from a supervisor who is a registered clinical supervisor (RCS), a certified clinical supervisor I (CCS-I), a certified clinical supervisor II (CCS-II), a psychologist specializing in substance use disorder, a psychiatrist specializing in substance use disorder, a marriage and family therapist with 3 years of specialty practice in substance use disorders, a professional counselor with 3 years of specialty practice in substance use disorders, or a licensed clinical social worker with 3 years of specialty practice in substance use disorders, that the individual has acquired the following knowledge base in the following 4 knowledge domains, further defined in the U.S. department of health and human services technical assistance publication series number 21 (TAP-21):

(a) Understanding addiction.

1. Understand a variety of models and theories of addiction and other problems related to substance use.

2. Recognize the social, political, economic and cultural context within which addiction and substance abuse exist, including risk and resiliency factors that characterize individuals and groups and their living environments.

3. Describe the behavioral, psychological, physical health, and social effects of psychoactive substances on the user and significant others.

4. Recognize the potential for substance use disorders to mimic a variety of medical and psychological disorders and the potential for medical and psychological disorders to co-exist with addiction and substance abuse.

(b) Treatment knowledge.

1. Describe the philosophies, practices, policies and outcomes of the most generally accepted and scientifically supported models of treatment, recovery, relapse prevention, and continuing care for addiction and other substance-related problems.

2. Recognize the importance of family, social networks, and community systems in the treatment and recovery process.

3. Understand the importance of research and outcome data and their application in clinical practice.

4. Understand the value of an interdisciplinary approach to addiction treatment.

(c) Application to practice.

1. Understand the established diagnostic criteria for substance use disorders and describe treatment modalities and placement criteria within the continuum of care.

2. Describe a variety of helping strategies for reducing the negative effects of substance use, abuse and dependence.

3. Tailor helping strategies and treatment modalities to the client's stage of dependence, change or recovery.

4. Provide treatment services appropriate to the personal and cultural identity and language of the client.

5. Adapt practice to the range of treatment settings and modalities.

6. Be familiar with medical and pharmacological resources in the treatment of substance use disorders.

7. Understand the variety of insurance and health maintenance options available and the importance of helping clients access those benefits.

8. Recognize that crisis may indicate an underlying substance use disorder and may be a window of opportunity for change.

9. Understand the need for and the use of methods for measuring treatment outcome.

(d) Professional readiness.

1. Understand diverse cultures and incorporate the relevant needs of culturally diverse groups, as well as people with disabilities, into clinical practice.

2. Understand the importance of self-awareness in one's personal, professional and cultural life.

3. Understand the addiction professional's obligations to adhere to ethical and behavioral standards of conduct in the helping relationship.

4. Understand the importance of ongoing supervision and continuing education in the delivery of client services.

5. Understand the obligation of the addiction professional to participate in prevention as well as treatment.

6. Understand and apply setting-specific policies and procedures for handling crisis or dangerous situations, including safety measures for clients and staff.

SFC 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.

SFC 1.11 Psychometric testing. (1) A psychometric test is a measurement procedure for assessing psychological characteristics in which a sample of an examinee's behavior is obtained and subsequently evaluated and scored using a standardized process. The term does not apply to unstandardized questionnaires and unstructured behavior samples or to teacher- or trainer- made tests used to evaluate performance in education or training.

(2) The competent and responsible use of a psychometric test requires a combination of knowledge, skills, abilities, training, and experience, and the test results must be viewed within the broader context of a psychological assessment or a psychosocial evaluation.

(3) Psychometric testing is restricted to persons with appropriate practice credentials, including marriage and family therapists, professional counselors, and social workers. However, a licensee of the board may not engage in psychometric testing unless 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 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) An affidavit from a professional qualified to supervise psychometric testing that the individual licensee has acquired supervised experience and acquired specific qualifications for the responsible selection, administration, scoring and interpretation of one or more particular psychometric tests, including, if appropriate, use of the test(s) in particular settings or for specific purposes. Particular settings include an employment context, an educational context, a career and vocational counseling context, a health care context, or a forensic context. Specific purposes include classification, description, prediction, intervention planning, tracking, training and supervision.

(4) Professionals qualified to supervise psychometric testing include psychologists licensed under ch. 455, Stats.

SECTION 12. SFC 2.01 (intro.) is amended to read:

SFC 2.01 Definitions. (intro.) In chs. SFC 2 to 7 8:

SECTION 13. SFC 2.01 (3) is renumbered 2.01 (12m) and amended to read:

SFC 2.01 (12m) "~~Certified independent~~ Licensed clinical social worker" means a person who holds a certificate license under s. 457.08 (4), Stats.

SECTION 14. SFC 2.01 (8), (11), (13) and (16) are amended to read:

SFC 2.01 (8) "~~Clinical social work~~" means ~~social work with a clinical emphasis consisting of assessment; diagnosis; treatment, including psychotherapy and counseling; client-centered advocacy; consultation; and evaluation. "Clinical social work" does not include indirect social work service, administrative, research, or other practice emphasis.~~ work practice" means providing services for the diagnosis, treatment, and prevention of mental and emotional disorders in individuals, families, and groups, to restore, maintain, and enhance social functioning through treatment interventions that include psychosocial evaluation, counseling of individuals, families, or groups, referral to community resources, advocacy, facilitation of organizational change to meet social needs, and individual, marital, or group psychotherapy.

(11) "Interpersonal" means between 2 or among 2 3 or more individuals or groups.

(13) "Primary clinical setting" means a facility, or a unit within a facility, whose primary purpose is to treat persons with a DSM-IV diagnosis.

(16) "Social worker" has the meaning given in s. 457.01 (10), Stats., and is interpreted to be a general term describing all persons who hold any certificate or license under s. 458.08, Stats., or any rules adopted pursuant to s. 457.03 (3), Stats., establishing levels of ~~advanced~~ social work practice.

SECTION 15. SFC 2.01 (19) is repealed.

SECTION 16. Chapter SFC 3 (title) is amended to read:

CHAPTER SFC 3 (title)
APPLICATION FOR SOCIAL WORKER CERTIFICATION
OR LICENSURE

SECTION 17. SFC 3.01 (4) is amended to read:

SFC 3.01 (4) Verification of the applicant's ~~license~~ credential in all jurisdictions in which the applicant has ever been credentialed.

SECTION 18. SFC 3.05 (4) is amended to read:

SFC 3.05 (4) Verification of the applicant's ~~license~~ credential in all jurisdictions in which the applicant has ever been credentialed.

SECTION 19. SFC 3.07 (3) and (5) are amended to read:

SFC 3.07 (3) An affidavit that the applicant has completed ~~the equivalent of 2 years of full-time practice of at least 3,000 hours of social work practice in no less than 2 years~~ under the supervision of a supervisor approved by the social worker section after receiving a master's or doctoral degree. Pre-certification supervised practice shall meet the criteria under s. SFC 4.01.

(5) Verification of the applicant's ~~license~~ credential in all jurisdictions in which the applicant has ever been credentialed.

SECTION 20. SFC 3.09 (intro.), (3) and (5) are amended to read:

SFC 3.09 Application for ~~certification~~ license as ~~an independent~~ a clinical social worker. (intro.) In addition to paying the fee under s. 440.05 (1), Stats., an applicant for ~~certification~~ license as ~~an independent~~ a clinical social worker shall submit the completed, signed application form and:

(3) An affidavit that the applicant has completed ~~the equivalent of 2 years of full-time practice of social work in at least 3,000 hours of clinical social work practice in no less than 2 years, including at least 1,000 hours of face-to-face client contact and including DSM diagnosis and treatment of individuals,~~ under the supervision of a supervisor approved by the social worker section after receiving a master's or doctoral degree. Pre-certification supervised practice shall meet the criteria under s. SFC 4.01.

(5) Verification of the applicant's ~~license~~ credential in all jurisdictions in which the applicant has ever been credentialed.

SECTION 21. SFC 3.11 is repealed and recreated to read:

SFC 3.11 Temporary certificate or license. (1) The social worker section may issue a temporary certificate permitting the use of the title "social worker" to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the social worker certificate except for passing the required examination.

(2) The social worker section may issue a temporary certificate permitting the use of the title "advanced practice social worker" to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the advanced practice social worker certificate except for passing the required examination.

(3) The social worker section may issue a temporary certificate permitting the use of the title "independent social worker" to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the independent social worker certificate except for passing the required examination.

(4) The social worker section may issue a temporary license permitting the practice of clinical social work and the use of the title "clinical social worker" to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the clinical social worker license except for passing the required examination.

(5) The temporary credential expires upon notification of failure of the examination or expiration of the 9 month period, whichever is earlier. The temporary credential of an individual who fails the examination must be returned to the social worker section. The temporary credential may not be renewed.

SECTION 22. SFC 3.12 (title) is amended to read:

SFC 3.12 (title) Reciprocal certificate or license.

SECTION 23. SFC 3.12 (1) (e) is created to read:

SFC 3.12 (1) (e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.

SECTION 24. SFC 3.12 (2) (e) is created to read:

SFC 3.12 (2) (e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.

SECTION 25. SFC 3.12 (3) (e) is created to read:

SFC 3.12 (3) (e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.

SECTION 26. SFC 3.12 (4) (intro.), (a) and (b) are amended to read:

SFC 3.12 (4) (intro.) The social worker section shall grant a certificate license as an independent a clinical social worker under s. 457.08 (1) and (4), Stats., to an applicant who pays the fee required under s. 440.05 (2), Stats., and provides evidence of all of the following to the section:

(a) The applicant has a current credential as an ~~independent~~ a clinical social worker or the substantial equivalent in good standing in another state or territory of the United States.

(b) The requirements for ~~the grant of~~ granting the credential in the other state or territory of the United States are substantially equivalent to the requirements for ~~the grant of~~ granting a certificate license under s. 457.08 (4), Stats.

SECTION 27. SFC 3.12 (4) (e) is created to read:

SFC 3.12 (4) (e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.

SECTION 28. Chapter SFC 4 (title) is amended to read:

CHAPTER SFC 4 (title)
SUPERVISED PRE-CERTIFICATION AND PRE-LICENSURE
SOCIAL WORK PRACTICE

SECTION 29. SFC 4.01 (title) and (1) are amended to read:

SFC 4.01 (title) Supervised pre-certification and pre-licensure social work practice.

(1) Supervision of pre-certification or pre-licensure practice of social work under s. 457.08 (3) (c) and (4) (c), Stats., shall include the direction of social work practice in face-to-face individual or groups sessions of at least one hour duration during each week of supervised practice of social work. Such supervision may be exercised by a person other than an employment supervisor. The one hour per week supervision requirement may be averaged out over the course of the period of supervision. The supervisor may exercise discretion as to the frequency, duration, and intensity of the supervision sessions to meet an average of one hour supervised session per week during the supervision period. The person supervising the pre-certification or pre-licensure practice of social work shall have adequate training, knowledge and skill to competently supervise any social work service that a social worker undertakes. Supervision of the professional practice of social work in the applied skills of the profession may be exercised by a person other than an employment supervisor. The supervisor may not permit a supervisee to

engage in any social work practice that the supervisor cannot competently supervise. All supervisors shall be legally and ethically responsible for the activities of the social work supervisee. Supervisors shall be able to interrupt or stop the supervisee from practicing in given cases, or recommend to the supervisee's employer that the employer interrupt or stop the supervisee from practicing in given cases, and to terminate the supervised relationship if necessary.

SECTION 30. The Note following SFC 4.01 (1) is repealed.

SECTION 31. SFC 4.01 (1) (a) and (b) are repealed.

SECTION 32. The Note following SFC 4.01 (4) is repealed.

SECTION 33. SFC 4.01 (5) and (6) are created to read:

SFC 4.01 (5) For applications for licensure as an independent social worker received after November 1, 2002, supervision may be exercised by any of the following:

(a) A licensed clinical social worker with a master's or doctorate degree in social work.

(b) A certified independent social worker with a master's or doctorate degree in social work.

(c) An individual, other than an individual specified in par. (a) or (b) who is approved in advance by the social worker section.

(6) For applications for licensure as a clinical social worker received after November 1, 2002, supervision may be exercised by any of the following:

(a) An individual licensed as a clinical social worker who has received a doctorate degree in social work.

(b) An individual licensed as a clinical social worker who has engaged in the equivalent of 5 years of full-time clinical social work.

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

(d) An individual, other than an individual specified in par. (a), (b) or (c), who is approved in advance by the social worker section.

SECTION 34. SFC 5.01 (1) to (5) and the Note following SFC 5.01 (5) are amended to read:

SFC 5.01 Examination. (1) An applicant for a ~~certificate~~ certification as a social worker, advanced practice social worker, or independent social worker or an independent for

licensure as a clinical social worker shall pass all parts of the examination required by the social worker section, unless the applicant is exempt from the examination requirement.

(2) An applicant for a ~~certificate~~ certification as a social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required degree, upon confirmation from the applicant's school that he or she is a student in good standing and is within 6 months of graduation.

(3) An applicant for a ~~certificate~~ certification as an advanced practice social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required degree, upon confirmation from the applicant's school that he or she is a student in good standing and is within 6 months of graduation.

(4) An applicant for a ~~certificate~~ certification as an independent social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required period of supervised practice.

(5) An applicant for a ~~certificate~~ licensure as an ~~independent~~ a clinical social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required period of supervised practice.

Note: A listing of the examinations approved by the social worker section may be obtained from the ~~board office, 1400 East Washington Avenue, Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, c/o the Department of Regulation and Licensing, P.O. Box 8935, Madison, Wisconsin 53708-8935.~~

SECTION 35. SFC 6.01, 6.02, 6.03, 6.04 (title) and 6.04 are amended to read:

SFC 6.01 Certified social worker. A certified social worker may evaluate and assess difficulties in psychosocial functioning, develop a plan to alleviate those difficulties, and either carry out the plan or refer clients to other qualified resources for assistance. Intervention plans may include ~~psychosocial evaluation~~, counseling of individuals, families, and groups; advocacy; referral to community resources; and facilitation of organizational change to meet social needs based on a psychosocial evaluation. A certified social worker may not engage in psychotherapeutic activities.

SFC 6.02 Certified advanced practice social worker. A certified advanced practice social worker may evaluate and intervene in complex difficulties in psychosocial functioning. Intervention plans may include ~~psychosocial evaluation~~, counseling of individuals, families, and groups; advocacy; referral to community resources; and facilitation of organizational change to meet social needs based on a psychosocial evaluation. A certified advanced practice social worker may engage in psychotherapeutic activities only as ~~permitted in ch. SFC 7~~ under the

supervision of a person authorized by the board or by the department of health and family services to supervise the practice of clinical social work.

SFC 6.03 Certified independent social worker. A certified independent social worker may evaluate and intervene in complex difficulties in psychosocial functioning. Intervention plans may include ~~psychosocial evaluation~~, counseling of individuals, families, and groups; advocacy; referral to community resources; and facilitation of organizational change to meet social needs based on a psychosocial evaluation. A certified independent social worker may practice social work independently but may engage in psychotherapeutic activities under supervision only as permitted in ch. SFC 7 under the supervision of a person authorized by the board or by the department of health and family services to supervise the practice of clinical social work.

SFC 6.04 (title) ~~Certified independent~~ Licensed clinical social worker. A ~~certified independent~~ licensed clinical social worker may provide services without supervision for the diagnosis, treatment, and prevention of mental and emotional disorders in individuals, families, and groups to restore, maintain, and enhance social functioning through treatment interventions which may include, but are not limited to, ~~psychosocial evaluation~~; counseling of individuals, families and groups; referral to community resources; advocacy; and facilitation of organizational change to meet social needs; and individual, marital, and group psychotherapy; all based on a psychosocial evaluation. A ~~certified independent~~ licensed clinical social worker may engage in psychotherapeutic activities ~~only as permitted in ch. SFC 7~~ without supervision.

SECTION 36. A Note following SFC 6.04 is created to read:

Note: A licensed clinical social worker employed in a certified outpatient mental health clinic is subject to rules of the department of health and family services regarding supervision.

SECTION 37. Chapter SFC 7 is repealed.

SECTION 38. SFC 8.01 is repealed.

SECTION 39. SFC 8.02 (title), (1) (b) and (2) to (9) are amended to read:

SFC 8.02 (title) Continuing education requirements for certificate credential holders. (1) Unless granted a postponement or waiver under sub. (7), every social worker, advanced practice social worker, independent social worker, and ~~independent~~ clinical social worker-~~certificate holder~~ shall complete at least 30 education hours in each 2-year certification credentialing period which begins on July 1 of each odd-numbered year as specified in s. 457.20 (2), Stats., and shall verify compliance as part of his or her application for credential renewal.

(b) Of the 30 required hours, at least 4 hours shall be in the subject area of social work ethics. ~~At least 2 of the 4 hours shall be in issues concerning professional and~~ boundaries. The section may require that up to 2 continuing education hours in each 2-year certification credentialing period be acquired within other specified topic areas. Notice of any

such requirement will be published in the regulatory digest that is mailed to all credential holders.

(2) Continuing education hours shall apply only to the certification credentialing period in which the hours are acquired. A certificate credential holder who applies for renewal after the renewal date specified in s. 457.20 (2), Stats., shall submit proof to the section that he or she has completed at least 30 continuing education hours during the 2 years immediately preceding the date of application for renewal and meet the requirements for late renewal specified in s. 440.08 (3), Stats. Continuing education hours submitted to satisfy this requirement for late renewal shall not be used to satisfy continuing education requirements for a subsequent renewal.

(3) Every certificate credential holder shall retain original documents showing attendance at programs and completion of self-developed programs for at least 4 years from the time that credit is claimed for the continuing education program under s. SFC 8.01. At the request of the section, certificate credential holders shall deliver their original documents to the section.

(4) Unless granted a postponement or waiver under sub. (7), a certificate credential holder who fails to meet continuing education requirements by the renewal deadline shall cease and desist from using a social worker title protected under ch. 457, Stats., and if licensed as a clinical social worker, shall cease practice as a clinical social worker.

(5) During the time between initial certification or licensure and commencement of a full 2-year certification credentialing period, a new certificate credential holder shall not be required to meet continuing education requirements for the first renewal of his or her certification credential, except that a person who was certified prior to November 1, 2002 and initially licensed on November 1, 2002 shall meet the continuing education requirement as if he or she had continued under the preceding certification.

(6) Applicants from other states applying under s. 457.15 (1), Stats., shall submit proof of completion of at least 30 continuing education hours substantially meeting the requirements of this chapter within the 2-year certification credentialing period prior to application.

(7) A certificate credential holder may apply to the section for a postponement or waiver of the requirements of this chapter on grounds of prolonged illness or disability, or on other grounds constituting extreme hardship. The section shall consider each application individually on its merits, and the section may grant a postponement, partial waiver or total waiver as deemed appropriate in the circumstances.

(8) The social worker section may grant an exemption from the requirements of this chapter to a certificate credential holder who certifies to the section that he or she has permanently retired and no longer uses a social worker title protected under ch. 457, Stats. in any professional practice and, if licensed as a clinical social worker, no longer practices as a clinical social worker.

(9) A ~~certificate~~ credential holder who has been granted an exemption from the requirements of this chapter based on retirement from the active practice of social work may not return to the active practice of social work without submitting evidence satisfactory to the section that the holder completed at least 30 continuing education hours during the 2 years immediately preceding the date of application to return to active practice and meets the requirements for late renewal specified in s. 440.08, Stats.

SECTION 40. SFC 8.02 (1) (d) is created to read:

SFC 8.02 (1) (d) A credential holder who treats alcohol or substance dependency or abuse as a specialty must complete at least 10 of the required 30 continuing education hours in alcohol or substance dependency or abuse education, and will be granted credit against the required 30 hours for no more than 18 hours in alcohol or substance dependency or abuse education.

SECTION 41. SFC 8.03 (1) (intro.) and (f) are amended to read:

SFC 8.03 (1) (intro.) The social worker section does not pre-approve continuing education programs. The social worker section will accept for continuing education credit programs consisting of relevant subject matter taught by qualified presenters. The acceptability of a continuing education program depends on the subject matter of the program rather than the program's title. ~~The subject matter of a program in social work ethics should address one or more of the topics in ch. SFC 20.~~ A continuing education program may be used to satisfy the requirements of this chapter if the subject matter of the continuing education program is one or more of the following:

(f) Social work ethics. A program in social work ethics should address one or more of the topics in ch. SFC 20.

SECTION 42. The Note following SFC 8.03 (1) is repealed.

SECTION 43. SFC 8.03 (1m) is created to read:

SFC 8.03 (1m) Acceptable sponsoring organizations include, but are not limited to:

- (a) Local or national professional social work associations.
- (b) Accredited college and university schools of social work.
- (c) Public and private agencies that provide in-house training and development programs which meet agency mission requirements.

SECTION 44. SFC 8.03 (2) (intro.), (e) and (f) are amended to read:

SFC 8.03 (2) (intro.) A continuing education program may take any of the following forms, with credit for relevant subject matter granted as follows:

(e) Interactive internet learning courses offered by an accredited university or preapproved by the ASWB: 1 CEH per .1 CEU of instruction, but no more than 16 CEHs for interactive internet courses will be accepted in any ~~biennium~~ 2 year credentialing period.

(f) Self-study courses approved by accredited college or university schools of social work, local or national professional social work organizations, or the association of social work boards, including courses via the internet: 1 CEH per credit completed, but self-study courses may not be used to satisfy the social work ethics requirement, and a maximum of 5 CEHs for self-study courses will be accepted in any ~~biennium~~ 2 year credentialing period unless an exception is granted in advance by the section based on hardship or other extenuating circumstances.

SECTION 45. SFC 8.04 is amended to read:

SFC 8.04 Compliance. The section may conduct audits or investigations to ~~monitor or~~ determine compliance with this chapter by ~~certificate~~ credential holders with this chapter.

SECTION 46. SFC 10.01 (1), (5) and (6) are amended to read:

SFC 10.01 (1) "Client" means the individual, family, group, business, agency, school, organization, or association for whom the credential license holder of the board provides professional services for which the credential license holder is usually and customarily compensated. The term "client" includes the term and concept of "patient."

(5) "Regionally accredited college or university" means a college or university which is accredited by any of the following bodies: the New England association of schools and colleges, the middle states association of colleges and schools, the north central association of colleges and schools, the northwest association of schools and colleges, the southern association of colleges and schools, the western association of schools and colleges. Applicants for ~~certification~~ licensure shall prove that the college or university at which the applicant completed course work on which the applicant relies for ~~certification~~ licensure eligibility was regionally accredited at the time the applicant completed the course work.

(6) "Supervision" means the direction of professional counseling practice in face-to-face individual or group sessions lasting an average of at least one hour between the person whose practice is being supervised and the person who is providing the supervision of the practice, during each week that the person seeking ~~certification~~ licensure practices professional counseling.

SECTION 47. SFC 10.01 (4), (7) and (8) are repealed.

SECTION 48. Chapter SFC 11 (title) is amended to read:

CHAPTER SFC 11 (title)
APPLICATION FOR PROFESSIONAL COUNSELOR
CERTIFICATION LICENSURE

SECTION 49. SFC 11.01 (title), (1) (intro.), (a), (e) and (f) are amended to read:

SFC 11.01 (title) Application for certification licensure as a professional counselor.

(1) In addition to paying the fee under s. 440.05 (1), Stats., an applicant for certification licensure as a professional counselor shall submit the completed, signed application form and:

(a) A certificate of professional education, signed and sealed by the chancellor, dean or registrar of the school from which the applicant has graduated with an approved degree. An applicant who does not have a master's or doctoral degree in professional counseling shall be considered for certification licensure as a professional counselor upon the professional counselors section's receipt of a complete description of the academic program which the applicant proposes as the equivalent of a master's or doctoral degree in professional counseling. The professional counselors section may request additional information as necessary to complete the evaluation of the applicant's academic program for compliance with s. SFC 14.01 or 14.02.

(e) Verification of the applicant's licensure credential in all jurisdictions in which the applicant has ever been credentialed.

(f) ~~For all applicants who have~~ If the applicant has been convicted of a crime, or of a traffic offense which did or could result in the suspension or revocation of the applicant's his or her driver's license, or who have the applicant has such charges pending against them, him or her, the applicant has disclosed all information necessary for the section to determine whether the circumstances of the pending charge or conviction are substantially related to the duties of the practice under the certification licensure.

SECTION 50. SFC 11.02 is amended to read:

SFC 11.02 ~~Unless an applicant is exempt from the examination requirement, an~~ An applicant for certification licensure as a professional counselor shall pass both parts of the examination required under s. 457.12 (4), Stats., consisting of the Wisconsin statutes and rules examination and either the national counselor examination or the certified rehabilitation counselor examination. ~~The professional counselors section may not grant certification to an applicant who has not passed the examination unless the applicant is exempt from the examination requirement.~~ Both parts of the examination may be taken prior to the completion of the required period of supervised practice.

SECTION 51. SFC 11.035 (title) and 11.035 are amended to read:

SFC 11.035 (title) Temporary certificate license. The professional counselor section may issue a temporary certificate license permitting the use of the title "professional counselor" to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the certificate license except for passing the required examination to use the title "professional counselor" and to practice professional counseling. The temporary certificate license expires 9 months after its issuance or upon notification of failure of passing the required examination under s. 457.12 (4), Stats., whichever occurs earlier. The temporary certificate license may not be renewed.

SECTION 52. SFC 11.04 (title), (intro.), (2) and (4) are amended to read:

SFC 11.04 (title) Reciprocal certificate license. (intro.) The professional counselor section shall grant a certificate license as a professional counselor under s. 457.12, Stats., to an applicant who pays the fee required by s. 440.05 (2), Stats., and provides evidence of all of the following to the section:

(2) The requirements for the grant of the credential in the other state or territory of the United States are substantially equivalent to the requirements for the grant of a certificate license under s. 457.12, Stats.

(4) If the applicant has been convicted of a crime, or of a traffic offense which did or could result in the suspension or revocation of the applicant's his or her driver's license, or the applicant has such charges pending against the applicant him or her, the applicant has disclosed all information necessary for the section to determine whether the circumstances of the pending charge or conviction are substantially related to the duties of practice under a professional counselor certificate license.

SECTION 53. SFC 11.04 (5) is created to read:

SFC 11.04 (5) The applicant passes an examination approved by the professional counselor section that tests knowledge of state law relating to professional counseling.

SECTION 54. SFC 12.01 is repealed and recreated to read:

SFC 12.01 Supervised practice requirement. An applicant for licensure as a professional counselor under s. 457.12, Stats., shall complete a period of supervised practice to become eligible for the license. Supervision of the practice of professional counseling undertaken to meet the pre-licensure requirement may be exercised by a person other than an employment supervisor. The supervisor may exercise discretion as to the frequency, duration, and intensity of the supervision sessions to meet an average of one hour of supervision per week during the supervised practice period.

(1) An applicant who has received a master's degree shall complete at least 3,000 hours of professional counseling practice in no less than 2 years, including at least 1,000 hours of

face-to-face client contact, under the supervision of a person specified in s. SFC 12.02 (2) before the applicant is eligible for a license as a professional counselor.

(2) An applicant who has received a doctoral degree shall complete, either during or after completion of the doctoral degree program, at least 1,000 hours of professional counseling practice, under the supervision of a person specified in s. SFC 12.02 (2) before the applicant is eligible for a license as a professional counselor.

SECTION 55. SFC 12.02 (2) is repealed and recreated to read:

SFC 12.02 (2) Supervision of a period of supervised practice of professional counseling may be exercised by any of the following:

(a) An individual licensed as a professional counselor who has received a doctorate degree in professional counseling.

(b) An individual licensed as a professional counselor who has engaged in the equivalent of 5 years of full-time professional counseling.

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

(d) A person employed by the division of vocational rehabilitation as a civil service vocational rehabilitation supervisor, level 3, who is licensed as a professional counselor or who has engaged in the equivalent of 5 years of full-time professional counseling.

(e) An individual, other than an individual specified in pars. (a) to (d), who is approved in advance by the professional counselor section.

SECTION 56. SFC 12.03 (title) and 12.03 are amended to read:

SFC 12.03 (title) ~~Pre-certification~~ Licensure supervised practice outcome requirement. As a condition of successful completion of a period of supervised practice, the candidate for ~~certification~~ licensure shall demonstrate competence to his or her practice supervisor in each of the following areas: counseling principles and techniques; case management; client assessment; ethics; and professional and community interaction. The candidate for certification shall also demonstrate competence to his or her practice supervisor in at least 3 of the following 7 areas: coordination and supervision of services; individual and group and family, or individual and group or family counseling techniques; assessment planning, administration and interpretation; service delivery systems and referral; counseling plan development; legal testimony; and consultation.

SECTION 57: SFC 13.01 is repealed and recreated to read:

SFC 13.01 Psychotherapeutic counseling. (1) 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 experience.

(2) Qualification to engage without supervision in psychotherapy or psychotherapeutic counseling may be demonstrated by one or more of the following:

(a) Successful completion of the national counselor mental health certification examination (NCMHCE).

(b) At least 180 contact hours of postgraduate training in psychotherapy modalities.

(c) An affidavit by a supervisor qualified and authorized to practice psychotherapy that the individual has completed at least 3,000 hours of 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.

Note: A licensed professional counselor employed in a certified outpatient mental health clinic is subject to rules of the department of health and family services regarding supervision.

SECTION 58. Chapter SFC 14 (title) is amended to read:

CHAPTER SFC 14 (title)
CONTINUING EDUCATION FOR PROFESSIONAL COUNSELORS AND
EQUIVALENCY OF PROFESSIONAL COUNSELOR ACADEMIC PROGRAMS

SECTION 59. SFC 14.03 is created to read:

SFC 14.03 Continuing education requirements for license renewal. (1) Unless granted a postponement or waiver of the continuing education requirement, every licensed professional counselor is required to complete at least 30 continuing education credit hours in approved continuing education programs during each 2 year licensure period. This requirement will apply for the first time to the 2 year period beginning July 1, 2003.

(2) A licensee who treats alcohol or substance dependency or abuse as a specialty must complete at least 10 of the required 30 continuing education hours in alcohol or substance dependency or abuse education, and will be granted credit against the required 30 hours for no more than 18 hours in alcohol or substance dependency or abuse education.

(3) Unless granted a postponement or waiver of the continuing education requirement, a licensee who fails to meet continuing education requirements by the renewal deadline must discontinue the use of the title "professional counselor" and must cease the practice of professional counseling until he or she completes the continuing education requirement.

(4) During the time between initial licensure and commencement of a full 2 year certification period, a new license holder is not required to meet continuing education requirements for the first renewal of his or her license.

(5) Applicants for licensure by reciprocity shall submit proof of completion of at least 30 continuing education hours substantially meeting the requirements of this chapter within the 2 year period prior to application.

(6) Continuing education hours may apply only to the 2 year license period in which the credit hours are acquired, unless either of the following applies:

(a) Continuing education hours required as a consequence of a disciplinary proceeding may not be counted towards the fulfillment of generally applicable continuing education requirements.

(b) If the licensee fails to meet the continuing education requirement the renewal date to satisfy the requirement of the preceding period will not apply to the period in which they are earned.

(7) To obtain credit for completion of continuing education programs, a professional counselor shall certify on his or her application for renewal of license that he or she has completed all continuing education credits as required in this section for the previous 2 year license period. A licensee shall retain for a minimum period of 4 years, and shall make available to the board or its agent upon request, certificates of attendance issued by the program sponsor for all continuing education programs for which he or she claims credit for purposes of renewal of his or her license.

(8) A licensee may apply to the section for a postponement or waiver of the requirements of this chapter on grounds of prolonged illness, disability, or other grounds constituting extreme hardship. The section shall consider each application individually on its merits, and the section may grant a postponement, partial waiver or total waiver as deemed appropriate in the circumstances.

(9) The section may grant an exemption from the requirements of this chapter to a licensee who certifies to the section that he or she has permanently retired and no longer uses the title "professional counselor" and no longer practices professional counseling. A licensee who has been granted an exemption from the requirements of this chapter based on retirement may not return to the active practice of professional counseling or use the title "professional counselor" without submitting evidence satisfactory to the section that he or she completed at least 30 continuing education hours for each of the biennia during which the licensee was granted an exemption.

(10) The section may conduct audits or investigations, including random audits, to determine compliance by licensees with this chapter.

SECTION 60. SFC 14.04 is created to read:

SFC 14.04 Approved continuing education programs. The following continuing education programs and other educational activities are approved as continuing education programs under this chapter:

(1) Any continuing education program approved, sponsored or provided by the national rehabilitation counselor association (NRCA), the American rehabilitation counselor association (ARCA), or the Wisconsin rehabilitation counselor association (WRCA).

(2) Any continuing education program sponsored by the national board for certified counselors (NBCC) or by a provider approved by NBCC.

(3) Any continuing education program approved, sponsored or provided by the American counselor association (ACA) or the Wisconsin counselor association (WCA).

(4) Any continuing education program approved by the commission on rehabilitation counselor certification (CBCC).

(5) Any continuing education program offered by a college or university accredited by the commission for accreditation of counseling and related educational programs (CACREP).

SECTION 61. SFC 15.01 (intro.) is amended to read:

SFC 15.01 Definitions. (intro.) As used in chs. SFC 15 to 17 19:

SECTION 62. SFC 15.01 (2) is amended to read:

SFC 15.01 (2) "Regionally accredited college or university" means a college or university which is accredited by any of the following bodies: the New England association of schools and colleges, the middle states association of colleges and schools, the ~~north-central association of colleges and schools~~ higher learning commission, the northwest association of schools and colleges, the southern association of colleges and schools, the western association of schools and colleges.

SECTION 63. SFC 15.02 and a Note following SFC 15.02 are created to read:

SFC 15.02 Practice of marriage and family therapy. A licensed marriage and family therapist may practice marriage and family therapy as defined in s. 457.01, Stats., without supervision.

Note: A licensed marriage and family therapist employed in a certified outpatient mental health clinic is subject to rules of the department of health and family services regarding supervision.

SECTION 64. Chapter SFC 16 (title) is amended to read:

CHAPTER SFC 16 (title)
REQUIREMENTS FOR MARRIAGE AND FAMILY THERAPY
CERTIFICATION LICENSURE

SECTION 65. SFC 16.01 (title), (1) (intro.), (1) (a) 3., (1) (b) and (d), and (2) (a) and (c) are amended to read:

SFC 16.01 (title) Application for certification licensure as a marriage and family therapist. (1) (intro.) In addition to paying the fee specified in s. 440.08 (2) (a), Stats., an applicant for certification licensure as a marriage and family therapist shall submit the completed, signed application form and:

(a) An applicant who has a master's or doctoral degree in marriage and family therapy from a program which was not accredited by the commission on accreditation for marriage and family therapy education (COAMFTE) of the American association for marriage and family therapy must submit satisfactory evidence of having completed education equivalent to a master's or doctoral degree in marriage and family therapy from a program accredited by the commission on accreditation for marriage and family therapy education of the American association for marriage and family therapy, pursuant to s. SFC 16.02.

(b) An affidavit that the applicant has completed ~~the equivalent of 2 years of supervised practice of marriage and family therapy~~ at least 3000 hours of marriage and family therapy practice in no less than 2 years, including at least 1000 hours of face-to-face client contact, under the supervision of a supervisor ~~approved by the section pursuant to s. SFC 16.05.~~

(d) Verification of the applicant's licensure credential in all jurisdictions in which the applicant has ever been credentialed.

(2) (a) An affidavit that the applicant has completed ~~the equivalent of 2 years of supervised practice of marriage and family therapy~~ at least 3000 hours of marriage and family therapy practice in no less than 2 years, including at least 1000 hours of face-to-face client contact, under the supervision of a supervisor ~~approved by the section pursuant to s. SFC 16.05.~~

(c) Verification of the applicant's licensure credential in all jurisdictions in which the applicant has ever been credentialed.

SECTION 66. The Note following SFC 16.02 (1) (f) is amended to read:

Note: The clinical practice required in an academic program in order to meet the educational equivalency of a master's or doctoral degree in marriage and family therapy shall not be considered to fulfill any part of the postgraduate supervised practice requirement for certification licensure eligibility. A person who is working towards the equivalent of a graduate degree in marriage and family therapy shall complete the 300 hours of supervised practice as part of the academic equivalency, and shall also complete the 2-years 3,000 hours of postgraduate

supervised practice required of all applicants for a ~~certificate~~ license as a marriage and family therapist.

SECTION 67. SFC 16.03 is amended to read:

SFC 16.03 Supervised clinical practice. ~~For purposes of meeting the postgraduate supervised practice requirement, 2 years of clinical practice of marriage and family therapy consists of 1,000 hours of client contact over a period of not less than 24 months. The person whose practice is being supervised shall receive a minimum of 50 hours of face-to-face supervision within each 12 month period 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.~~

SECTION 68. SFC 16.04 is repealed.

SECTION 69. SFC 16.05 (1) is repealed and recreated to read:

SFC 16.05 Qualifications of a person providing practice supervision. (1) Supervision of a period of supervised practice of marriage and family therapy may be exercised by either:

(a) An individual licensed as a marriage and family therapist who has received a doctorate degree in marriage and family therapy.

(b) An individual licensed as a marriage and family therapy who has engaged in the equivalent of 5 years of full-time marriage and family therapy.

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

(d) A person who holds an "approved supervisor" certificate from the American association for marriage and family therapy.

(e) An individual, other than an individual specified in par. (a), (b), (c) or (d), who is approved in advance by the marriage and family therapist section.

SECTION 70. Chapter SFC 17 (title) is amended to read:

CHAPTER SFC 17 (title)
MARRIAGE AND FAMILY THERAPY TEMPORARY PERMITS LICENSE, AND
RECIPROCAL CERTIFICATE LICENSE, AND TRAINING CERTIFICATE APPLICATIONS

SECTION 71. SFC 17.01 (title) and 17.01 are amended to read:

SFC 17.01 (title) Temporary certificate license. ~~A temporary permit for the use of the title marriage and family therapist shall be issued to~~ 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 certificate license as a marriage and family therapist upon payment of the fee for the temporary permit 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 permit 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 occurs sooner. The marriage and family therapists section may grant one renewal of the temporary permit 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 certificate license, whichever occurs sooner. A person who fails the certification licensure examination shall immediately return the temporary permit license to the marriage and family therapists section. The marriage and family therapists section may not grant or renew a temporary permit license to an applicant who has failed the certification licensure examination.

SECTION 72. SFC 17.02 (title), (intro.), (2) and (4) are amended to read:

SFC 17.02 (title) Reciprocal certificate license. (intro.) The marriage and family therapist section shall grant a certificate license as a marriage and family therapist under s. 457.10, Stats., to an applicant who pays the fee required by s. 440.05 (2), Stats., and provides evidence of all of the following to the section:

(2) The requirements for the grant of the credential in the other state or territory of the United States are substantially equivalent to the requirements for the grant of a certificate license under s. 457.10, Stats.

(4) If the applicant has been convicted of a crime, or of a traffic offense which did or could result in the suspension or revocation of the applicant's his or her driver's license, or the applicant has such charges pending against the applicant him or her, the applicant has disclosed all information necessary for the section to determine whether the circumstances of the pending charge or conviction are substantially related to the duties of practice under a marriage and family therapist certificate license.

SECTION 73. SFC 17.02 (5) is created to read:

SFC 17.02 (5) The applicant passes an examination approved by the marriage and family therapist section that tests knowledge of state law relating to marriage and family therapy.

SECTION 74. SFC 17.03 is created to read:

SFC 17.03 Training certificate. (1) The marriage and family therapist section shall grant a marriage and family therapist training certificate to any individual who does all of the following:

- (a) Submits a completed, signed application form.
- (b) Pays the fee specified in s. 440.05 (6), Stats.

(c) Satisfies the requirements in s. 457.10 (2), Stats.

(d) Submits evidence satisfactory to the marriage and family therapist section that he or she is employed full-time, or has an offer of full-time employment, as a marriage and family therapist in a supervised marriage and family therapist practice or in a position in which the applicant will, in the opinion of the marriage and family therapist section, receive training and supervision equivalent to the training and supervision received in a full-time supervised marriage and family therapist practice.

(2) A marriage and family therapist training certificate is valid for 24 months or until the date on which the holder of the certificate ceases to be employed in a position specified in sub. (1) (d), whichever occurs first, and may not be renewed by the marriage and family therapist section. A marriage and family therapist training certificate authorizes the holder to use any title specified in s. 457.04 (5), Stats., and to practice marriage and family therapy within the scope of his or her training or supervision during the period in which the certificate is valid.

SECTION 75. SFC 18.01 is amended to read:

SFC 18.01 Examination. An applicant for a certificate license as a marriage and family therapist shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and the examination in marriage and family therapy of the association of marital and family therapy regulatory boards. Both parts of the examination may be taken prior to the completion of the required period of supervision.

SECTION 76. Chapter SFC 19 is created to read:

CHAPTER SFC 19 CONTINUING EDUCATION

SFC 19.01 Continuing education requirements for license renewal. (1) Unless granted a postponement or waiver of the continuing education requirement, every licensed marriage and family therapist is required to complete at least 30 continuing education credit hours in approved continuing education programs during each 2 year licensure period. This requirement will apply for the first time to the 2 year period beginning July 1, 2003.

(2) A licensee who treats alcohol or substance dependency or abuse as a specialty must complete at least 10 of the required 30 continuing education hours in alcohol or substance dependency or abuse education, and will be granted credit against the required 30 hours for no more than 18 hours in alcohol or substance dependency or abuse education.

(3) Unless granted a postponement or waiver of the continuing education requirement, a licensee who fails to meet continuing education requirements by the renewal deadline must discontinue the use of the title "marriage and family therapist" and must cease the practice of marriage and family therapy until he or she completes the continuing education requirement.

(4) During the time between initial licensure and commencement of a full 2 year certification period, a new license holder is not required to meet continuing education requirements for the first renewal of his or her license.

(5) Applicants for licensure by reciprocity shall submit proof of completion of at least 30 continuing education hours substantially meeting the requirements of this chapter within the 2 year period prior to application.

(6) Continuing education hours may apply only to the 2 year license period in which the credit hours are acquired, unless either of the following applies:

(a) Continuing education hours required as a consequence of a disciplinary proceeding may not be counted towards the fulfillment of generally applicable continuing education requirements.

(b) If the licensee fails to meet the continuing education requirement during a 2 year license period, any additional continuing education hours obtained on or after the renewal date to satisfy the requirement of the preceding period will not apply to the period in which they are earned.

(7) To obtain credit for completion of continuing education programs, a marriage and family therapist shall certify on his or her application for renewal of license that he or she has completed all continuing education credits as required in this section for the previous 2 year license period. A licensee shall retain for a minimum period of 4 years, and shall make available to the board or its agent upon request, certificates of attendance issued by the program sponsor for all continuing education programs for which he or she claims credit for purposes of renewal of his or her license.

(8) A licensee may apply to the section for a postponement or waiver of the requirements of this chapter on grounds of prolonged illness, disability, or other grounds constituting extreme hardship. The section shall consider each application individually on its merits, and the section may grant a postponement, partial waiver or total waiver as deemed appropriate in the circumstances.

(9) The section may grant an exemption from the requirements of this chapter to a licensee who certifies to the section that he or she has permanently retired and no longer uses the title "marriage and family therapist" and no longer practices marriage and family therapy. A licensee who has been granted an exemption from the requirements of this chapter based on retirement may not return to the active practice of marriage and family therapy or use the title "marriage and family therapist" without submitting evidence satisfactory to the section that he or she completed at least 30 continuing education hours for each of the biennia during which the licensee was granted an exemption.

(10) The section may conduct audits or investigations, including random audits, to determine compliance by licensees with this chapter.

SFC 19.02 Approved continuing education programs. The following continuing education programs and other educational activities are approved as continuing education programs under this chapter:

(1) Any continuing education program sponsored by the American association for marriage and family therapy (AAMFT).

(2) Any continuing education program approved, sponsored or authorized by the Wisconsin association for marriage and family therapy (WAMFT).

(3) Any continuing education program or course offered by a training program accredited by the commission on accreditation for marriage and family therapy education (COAMFTE).

(4) Any course or continuing education program offered by an accredited college or university.

SECTION 77. SFC 20.02 (intro.), (1), (4), (9), (15), (17), (20), (21) and (23) are amended to read:

SFC 20.02 (intro.) Unprofessional conduct related to the practice under the a credential issued under ch. 457, Stats., includes, but is not limited to, engaging in, attempting to engage in, or aiding or abetting the following conduct:

(1) Performing or offering to perform services for which the ~~eertificate~~ credential holder is not qualified by education, training or experience.

(4) Using fraud or deception in the application for a ~~eertificate~~ credential.

(9) Practicing or attempting to practice while the ~~eertificate~~ credential holder is impaired due to the utilization of alcohol or other drugs, or as a result of an illness which impairs the ~~eertificate~~ credential holder's ability to appropriately carry out the functions delineated under the credential in a manner consistent with the safety of a client, patient, or the public.

(15) Employing or claiming to have available secret techniques or procedures that the ~~eertificate~~ credential holder refuses to divulge.

(17) Failing to inform the client of financial interests which are not obvious and which might accrue to the ~~eertificate~~ credential holder for referral to or for any use of service, product or publication.

(20) Failing to notify the board that a license, certificate or registration for the practice of any profession previously issued to the ~~eertificate~~ credential holder has been revoked, suspended, limited or denied, or subject to any other disciplinary action by the authorities of any jurisdiction.

(21) Failing to make reasonable efforts to notify a client or a client's authorized representative when professional services will be interrupted or terminated by the professional credential holder.

(23) Having a license, registration, or certificate permitting the practice of ~~social work~~, marriage and family therapy, ~~or professional counseling~~, or social work, or authorizing the use of the title "~~social worker~~," "marriage and family therapist," "professional counselor," "social worker", or similar terms revoked, suspended, limited, or subjected to any other discipline, by any other jurisdiction.

(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
Examining Board of Social Workers
Marriage and Family Therapists
and Professional Counselors

FISCAL ESTIMATE- ATTACHED

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.

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.

2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is:

The total cost to implement the rule is estimated to be \$64,400. The Department can not absorb these costs.

Several areas of work will be required as a result of rule implementation. These include: 1) application development; 2) Renewal notice revision; 3) Establishment of AODA certification process including Board review of applicant qualifications; 4) Continuing Education development and review; 5) Development of a training licensure process; 6) Enforcement of new credentials, continuing education and AODA standards; and 7) IT work related automated systems; 8) Response to questions regarding Act 80 from licensees; and 9) notification via mail to current certificate holders.

The inclusion of a provision for the Social Work section to review and certify a person as a substance abuse counselor, rather than relying solely on the DFS process, will have a substantial impact on costs to the Department. It is estimated that this provision alone will incrementally increase costs by \$30,000. Additional time will be need by processing staff to review submitted materials. The Board will need to be convened and staffed for review and interview of potential credential holders. Follow-up will be needed with applicant credentials that fail to satisfy the Board.

3. The projected net annualized fiscal impact on state funds of the proposed rule is: On-going costs of the proposed rule are estimated at \$35,000 annually.