

**Report From Agency**

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

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**IN THE MATTER OF RULE-MAKING :  
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE  
MARRIAGE AND FAMILY THERAPY, : ON CLEARINGHOUSE RULE 10-013  
PROFESSIONAL COUNSELING AND : (s. 227.19 (3), Stats.)  
SOCIAL WORK EXAMINING BOARD :**

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**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:**

The department estimates that this rule will require staff time in the Division of Board Services. The total one-time salary and fringe costs are estimated at \$575. The department finds that this rule has no significant fiscal effect on the private sector.

**IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:**

This proposed rule-making order by the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, in collaboration with the Psychology Examining Board, repeals and recreates s. MPSW 1.11 regarding psychometric testing. Psychometric testing is currently defined and authorized under s. 457.033, Stats., as a measurement tool for assessing psychological characteristics, such as intelligence, aptitude, and emotional disturbance, in which a sample of an examinee's behavior is obtained and evaluated and scored using a standardized process. Two examples of fairly well known psychometric tests are the Minnesota Multiphasic Personality Inventory (MMPI) and the Rorschach Ink Blot test.

Under ch. 457, Stats., the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board and the Psychology Examining Board are required to jointly promulgate rules that specify the different levels of psychometric testing that an individual who is certified or licensed under ch. 457, Stats., is qualified to perform. The statute also directs that the resulting administrative rules are to be consistent with guidelines of the American Psychological Association or other nationally recognized

guidelines. Both examining boards have collaborated in this rule-making process to develop the proposed rule amendments.

The examining boards found that the existing rules do not adequately delineate between what is considered psychometric testing and instruments used by mental health therapists in initial evaluations or evaluating progress in therapy. In addition, the boards found that the existing rule was overly restrictive in determining who may provide training in the use of psychometric tests and the requirements for licensed mental health therapists to obtain permission as to what tests (including in what settings and with which populations) they may use. Accordingly, these proposed rules will clarify the definition of psychometric testing; who may use psychometric tests and other testing instruments; and who may supervise individuals that use psychometric tests.

#### **V. NOTICE OF PUBLIC HEARING:**

A public hearing was held on April 13, 2010. There were no appearances at the public hearing and no written comments were received.

#### **VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

**Comment 1.** Authority.

**Response:** The board has changed this proposed rule-making order to repeal and recreate s. MPSW 111, rather than amending, renumbering, etc. With that formatting change, language has been inserted at the beginning of the rule text citing the authority for the rule. As a result of that, subsections and titles to those subsections have been created. Also, a Note has been added following s. MPSW 1.11 (5) relating to these rules being developed in collaboration with the Psychology Examining Board.

**Comment 5.g.** Why is the language in s. MPSW 1.11 (4) repealed? Is the inclusion of psychologists in sub. (2m) (b) intended to replace this language? Or, is it because persons in addition to psychologists may supervise psychometric testing? If so, should those other persons be specified here, in addition to psychologists, rather than repealing this provision?

**Response:** The language is not being repealed. The language has been recreated in s. MPSW 1.11 (4).

All of the remaining recommendations suggested in the Clearinghouse Report have been 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), Stats.