

**Clearinghouse Rule 13-118**

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

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IN THE MATTER OF RULE-MAKING :  
PROCEEDINGS BEFORE THE : NOTICE OF PUBLIC HEARING  
MARRIAGE & FAMILY THERAPY, :  
PROFESSIONAL COUNSELING AND :  
SOCIAL WORK EXAMINING BOARD :

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NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Marriage & Family Therapy, Professional Counseling and Social Work Examining Board in § 15.08(5)(b), Wis. Stats., and interpreting § 457.01(8m), Wis. Stats., the Marriage & Family Therapy, Professional Counseling and Social Work Examining Board will hold a public hearing at the time and place indicated below to consider an order to repeal MPSW 2.01(14) and 10.01(3m), relating to the definition of psychotherapy.

**Hearing Date, Time and Location**

**Date:** February 4, 2014  
**Time:** 9:00 a.m.  
**Location:** 1400 East Washington Avenue  
Room 121C  
Madison, Wisconsin

**APPEARANCES AT THE HEARING:**

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Safety and Professional Services.

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**ANALYSIS**

**Statutes interpreted:** § 457.01(8m), Wis. Stats.

**Statutory authority:** § 15.08(5)(b), Wis. Stats.

**Explanation of agency authority:**

Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

**Related statute or rule:**

457.01(8m), Wis. Stats. and MPSW 1.02(2m), Wis. Admin. Code

**Plain language analysis:**

The rule repeals two definitions of psychotherapy. MPSW 1.02(2) is a definition which applies to the all the MSPW chapters and is identical to § 457.01(8) statutory definition.

**Summary of, and comparison with, existing or proposed federal regulation:** None

**Comparison with rules in adjacent states:**

**Illinois:** The Illinois practice acts for marriage and family therapy, professional counseling and social work do not define the word psychotherapy.

**Iowa:** The Iowa practice acts for marriage and family therapy, professional counseling and social work do not define the word psychotherapy.

**Michigan:** The Michigan practice acts for marriage and family therapy, professional counseling and social work do not define the word psychotherapy.

**Minnesota:** The Michigan practice acts for marriage and family therapy, professional counseling and social work do not define the word psychotherapy.

**Summary of factual data and analytical methodologies:**

The Board is repealing two definitions for a word that is already defined by the MPSW code therefore eliminating conflicting definitions.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

This rule was posted for 14 days for economic impact comments and none were received. This rule repeals 2 definitions which did not match the statutory definition of psychotherapy.

**Fiscal estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Initial Regulatory Flexibility Analysis or Summary:**

This rule does not have impact on small businesses.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Sharon.Henes@wisconsin.gov. Comments must be received at or before the public hearing to be held on February 4, 2014 at 9:00 a.m. to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. MPSW 2.01(14) is repealed.

SECTION 2. MPSW 10.01(3m) is repealed.

SECTION 3 EFFECTIVE DATE. 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.), Stats.

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(END OF TEXT OF RULE)

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COPIES OF RULE

Copies of this proposed rule are available upon request to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or by email at Sharon.Henes@wisconsin.gov.