

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

IN THE MATTER OF RULE-MAKING : 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 05-119)

ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to create MPSW 14.03 (4m) and (5) (c), and 14.04 (6) to (9), relating to continuing education credits for professional counselors.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

Section 457.22 (1) (c), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2), 457.03 (1) and 457.22 (1) (c) Stats.

Explanation of agency authority:

Chapter MPSW 14 sets forth the requirements for obtaining continuing education for professional counselors. Each biennium professional counselors are required to obtain a minimum of 30 continuing education credits, provided the coursework is sponsored by acceptable organizations or entities. However, there is no specific requirement as to what type or category of continuing education they must take. This amendment would require licensees to have a minimum of 15 credits in certain categories and would further require that at least 4 of those 15 credits be in the subject of professional counseling therapy ethics and boundaries. In addition, this amendment expands the scope of acceptable continuing education organizations, including, for instance, the American Medical Association, the American Psychological Association, and the American Osteopathic Organization. It also permits credit for continuing education programs that are recognized by the Marriage and Family Therapist Section and the Social Worker Section. Furthermore, it increases the type of credits that will be given for continuing education including, for instance, formal presentations at professional seminars, educational sessions at state and national conferences, interactive internet courses, and authorship in various publications.

Related statute or rule:

There are no other statutes or rules other than those listed above.

Plain language analysis:

Under the existing rules for continuing education programs, there is a lack of uniformity among the Marriage and Family Therapists Section, the Professional Counselors Section, and the Social Worker Section, with respect to continuing education, including the criteria and acceptance of various programs. Current rules do not allow credential holders access to continuing education courses offered to marriage and family therapists or social workers. Additionally, credential holders may not receive continuing education credit for teaching, publishing or presenting. Finally, under current rules, credential holders are not able to take courses approved or sponsored by the American Psychological Association.

This proposed rule-making order will permit continuing education credits to be granted for additional items, including but not limited to, teaching academic courses, publishing professional books, and presenting at national conferences, all of which may require substantial preparation and/or research related to the knowledge and practice of professional counseling. Additionally, this amendment will permit continuing education credit to be granted to those credential holders who take courses approved by the Marriage and Family Therapist Section and the Social Worker Section. And, the proposed rule will allow credential holders to take courses approved or sponsored by the American Psychological Association. Access to these courses will provide a substantial benefit to the practice of professional counseling.

SECTION 1 creates s. MPSW 14.03 (4m) which requires licensees to take a minimum of 15 credits in approved professional counseling continuing education programs and other educational activities. Four of the 15 credits shall be in the subject area of professional counseling ethics and boundaries. Also, s. MPSW 14.03 (5) (c) creates a definition of “continuing education hour” or “CEH.”

SECTION 2 creates s. MPSW 14.04 (6) to (9) to provide that any continuing education program approved, sponsored or co-sponsored by a presenter approved by the Committee for the Approval of Continuing Education Sponsors of the American Psychological Association will be acceptable. It also provides that any educational programs recognized as approved at the time of attendance as “Category I” continuing medical education programs by the Council on Medical Education of the American Medical Association or the American Osteopathic Association are acceptable. Additionally, any educational programs recognized by the Social Worker Section and the Marriage and Family Therapist Section are acceptable. Finally, if approved or recognized by one of the approved providers, credit will also be granted for the following: Formal presentations of relevant professional material at seminars, workshops, programs or institutes, which may include formal presentation and directed discussion of videotaped material: 2 CEHs per hour of continuing education for presenters, but no additional CEHs shall be granted for subsequent presentations of the same material; University, college or vocational technical adult education courses, which may include formal presentation and directed discussion of

videotaped instruction: 20 CEHs per semester hour or 13.2 CEHs per quarter hour for instructors, but no additional CEHs shall be granted for subsequent presentations of the same material; Educational sessions at state and national conferences: 2 CEHs per hour of continuing education for presenters, but no additional CEHs shall be granted for subsequent presentations of the same material; Educational telephone network (ETN) courses: 2 CEHs per hour of continuing education for presenters, but no additional CEHs shall be granted for subsequent presentations of the same material; Interactive internet courses: 2 CEHs per hour of continuing education for instructors, but no additional CEHs shall be granted for subsequent presentations of the same material; Authorship of a published chapter in a textbook or professional recourse book, or a professional journal article: 8 CEHs; Development of alternative media, computer software, videotapes, or audiotapes: 8 CEHs.

Summary of, and comparison with, existing or proposed federal regulation:

There is no existing or pending federal regulation relating to continuing education requirements for professional counselors.

Comparison with rules in adjacent states:

Illinois:

Illinois allows continuing education credits for teaching and publishing. Also, Illinois professional counselors can get continuing education credit for courses sponsored by the American Association for Marriage and Family Therapy or its affiliates, social work continuing education sponsors approved by the Division in accordance with the rules for the administration of Clinical Social Work and Social Practice Act, and the American Psychological Association.

Michigan:

Michigan has no continuing education requirements for marriage and family therapists and professional counselors, and social workers will be licensed starting July, 2006. Therefore, any rule making with regards to continuing education has not been developed yet.

Minnesota:

Minnesota started licensure for professional counselors in late 2003 and the rules are still under development. The only rules governing continuing education requirements state that licensees shall complete 40 hours of professional post degree education approved by the board. There is no mention of hours or continuing education credits for publishing, teaching, presenting, continuing education approved for social workers, marriage and family therapists, or those sponsored by the American Psychological Association.

Iowa:

Iowa licenses both mental health counselors (professional counselors) and marriage and family therapists. Their rules do allow continuing education for presenting, publishing, and teaching

continuing education courses. These rules do not allow or mention continuing education for social workers. Also, there are no rules permitting courses approved by the American Psychological Association.

Summary of factual data and analytical methodologies:

The Professional Counselor Section, in accordance with the Marriage and Family Therapist Section as well as the Social Worker Section are amending their rules based on the sections' collective experience and understanding that continuing education available to one section may be of professional benefit to the other sections.

Fiscal estimate:

The Department of Regulation and Licensing will incur the equivalent of \$1,913 costs in staff time to audit the continuing education requirements.

Anticipated costs incurred by private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Effect on small business:

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935. Telephone: (608) 266-0495. Email: pamela.haack@drl.state.wi.us.

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

Comments may be submitted to Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935. Email pamela.haack@drl.state.wi.us. Comments must be received on or before February 10, 2006, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 14.03 (4m) and (5) (c) are created to read:

MPSW 14.03 (4m) Licensees shall have a minimum of 15 credits in approved continuing education programs and other educational activities as recognized under s. MPSW 14.04 (1) to

(5). Four of the 15 credits shall be in the subject area of professional counseling ethics and boundaries.

(5) (c) In this chapter “continuing education hour” or “CEH” means a period of continuing education consisting of not less than 50 minutes.

SECTION 2. MPSW 14.04 (6) to (9) are created to read:

MPSW 14.04 (6) Any continuing education program approved, sponsored or co-sponsored by a presenter approved by the Committee for the Approval of Continuing Education Sponsors of the American Psychological Association.

(7) Any educational programs recognized as approved at the time of attendance as “Category I” continuing medical education programs by the Council on Medical Education of the American Medical Association or the American Osteopathic Association.

(8) Any educational programs recognized under s. MPSW 8.03 (1m) or 19.02.

(9) If approved or recognized by one of the entities in subs. (1) to (8), credit shall also be granted for the following:

(a) Formal presentations of relevant professional material at seminars, workshops, programs or institutes, which may include formal presentation and directed discussion of videotaped material: 2 CEHs per hour of continuing education for presenters, but no additional CEHs will be granted for subsequent presentations of the same material.

(b) University, college or vocational technical adult education courses, which may include formal presentation and directed discussion of videotaped instruction: 20 CEHs per semester hour or 13.2 CEHs per quarter hour for instructors, but no additional CEHs will be granted for subsequent presentations of the same material.

(c) Educational sessions at state and national conferences: 2 CEHs per hour of continuing education for presenters, but no additional CEHs will be granted for subsequent presentations of the same material.

(d) Educational telephone network (ETN) courses: 2 CEHs per hour of continuing education for presenters, but no additional CEHs will be granted for subsequent presentations of the same material.

(e) Interactive internet courses: 2 CEHs per hour of continuing education for instructors, but no additional CEHs will be granted for subsequent presentations of the same material.

(f) Authorship of a published textbook or professional resource book: 20 CEHs.

(g) Authorship of a published chapter in a textbook or professional resource book, or a professional journal article: 8 CEHs.

(h) Development of alternative media, computer software, videotapes, or audiotapes: 8 CEHs.

(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
Marriage and Family Therapy,
Professional Counseling and
Social Work Examining Board

MPSW 14.03, 14.04 CR05-119 (Continuing education-PC) Final for adoption 5-16-06