

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE	:	
LICENSE DENIAL OF	:	FINAL DECISION
	:	AND ORDER
MICKEY D. ROCKEY,	:	LS0711261RSA
APPLICANT.	:	

Division of Enforcement Case No. 07 RSA 028

The State of Wisconsin, Department of Regulation and Licensing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Regulation and Licensing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 22nd day of October, 2008.

Celia M. Jackson, Secretary
Department of Regulation and Licensing

**STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING**

**IN THE MATTER OF THE
LICENSE DENIAL OF**

**PROPOSED DECISION
Case No. LS-0711261-RSA**

**MICKEY D. ROCKEY
APPLICANT.**

Division of Enforcement Case No. 07RSA028

PARTIES

The parties in this matter under § 227.44, Stats., and for purposes of review under § 227.53, Stats., are:

Mickey D. Rockey
P.O. Box 141
Monroe, Wisconsin 53566

Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708

This matter was commenced by the filing of a Notice of Hearing on November 26, 2007. A hearing was held on February 21, 2008. Atty. Jeanette Lytle appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. The applicant, Mickey D. Rockey, appeared in person without legal counsel. Closing arguments were filed by the parties by March 11, 2008.

Based upon the record herein, the Administrative Law Judge recommends that the Department of Regulation and Licensing adopt as its final decision in this matter, the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Mickey D. Rockey, P.O. Box 141, Monroe, Wisconsin 53566, filed an application on or about September 24, 2007, for certification as a Clinical Substance Abuse Counselor.

2. On October 26, 2007, the Department of Regulation and Licensing (Department) denied Mr. Rockey's application on the basis that his education failed to comply with the requirements for obtaining a certification.

3. Mr. Rockey received a Bachelor of Divinity degree, with a major in Ministerial/Counseling, from Christian Outreach School of Ministries (Christian Outreach), Hillsboro, Missouri on June 1, 1986. The School is not accredited by the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools or its regional

equivalent.

4. Mr. Rockey received a Master of Ministry degree, with a major in Ministry/Counseling, from Lael College and Graduate School (Lael), St. Louis, MO, on June 1, 2006. Lael College and Graduate School is not accredited by the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools or its regional equivalent.

5. The degrees that Ms. Rockey received from Christian Outreach and Lael are not degrees in a field of behavioral science.

6. Mr. Rockey has not graduated from an accredited school with an associate's, bachelor's, master's or a doctoral degree in a field of behavioral science.

CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction in this matter pursuant to Wis. Stats., § 440.88 (2).

2. By failing to obtain an associate's, bachelor's, master's or doctoral degree in a field of behavioral science, as described in Findings of Fact 2-6 herein, Mr. Rockey has not satisfied the educational coursework required for certification as a Clinical Substance Abuse Counselor under Wis. Stats., § 440.88 (2) and (3), and Wis. Adm. Code, § RL 161.02 (2) (c) 7. [Emergency Rules in effect as of the date of application].

ORDER

NOW THEREFORE, IT IS ORDERED, that the decision of the Department of Regulation and Licensing to deny the application of Mickey D. Rockey for a certification as a Clinical Substance Abuse Counselor be, and hereby is, affirmed.

OPINION

I. Background

In September 2007, Mr. Rockey filed an application for a certification to practice as a Clinical Substance Abuse Counselor. In October 2007, Mr. Rockey's application was denied on the basis that his education did not satisfy the requirements for certification.

II Applicable Law

The Department's Emergency Rules in effect as of the date of Mr. Rockey's application read as follows [Exhibit 6, Order Adopting Emergency Rules]:

RL 160.02 Definitions. In chs. RL 160 to 168:

(1) "Accredited" means accredited by the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools or its regional equivalent.

(4) "Clinical substance abuse counselor" means an individual who holds a clinical substance abuse counselor certificate granted by the department. The certificate of "clinical substance abuse counselor" is granted to those counselors who have attained

the highest training and education consistent with the International Certification Reciprocity Consortium reciprocity standards.

(12) "DSM" means the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

(24) "Substance" means a psychoactive agent or chemical which principally affects the central nervous system and alters mood or behavior.

(27) "Substance use disorder" means the existence of a diagnosis of "substance dependence" or "substance abuse" listed in the most current edition of DSM.

RL 161.02 Applications.

(2) The application shall include all of the following:

(c) Clinical Substance Abuse Counselor. To be authorized to treat substance use disorders as a clinical substance abuse counselor, the applicant shall submit satisfactory to the department of all of the following:

7. Graduation from an accredited school with an associate's, bachelor's, master's or a doctoral degree in a field of behavioral science.

III Analysis

One of the requirements for obtaining a certification as a Clinical Substance Abuse Counselor is graduation from an accredited school with an associate's, bachelor's, master's or a doctoral degree in a field of behavioral science.

Mr. Rockey received a Bachelor of Divinity degree, with a major in Ministerial- Counseling, from Christian Outreach School of Ministries (Christian Outreach), Hillsboro, Missouri in 1986, and a Master of Ministry degree, with a major in Ministry/Counseling, from Lael College and Graduate School (Lael), St. Louis, MO, in 2006.

Mr. Rockey's study at Christian Outreach included the following course [Exhibit 1]:

Foundations of the Faith
Romans
Preaching & Teaching I
Difficult Bible Doctrines
Making of Disciples
Outreach Ministries I
John & Ephesians
Old Testament Survey I
Preaching & Teaching II
Counseling II
Old Testament Survey II
Missionary Strategy & Evangelism
Genesis
Outreach Ministries II
Church Growth
Counseling II

Pauline Epistles
Outreach Ministries III
Minister & Wife I
Worship & the Gifts
Principles of Christian Leadership
Minister's Marriage Enrichment
Prayer, Fasting, & Meditation
Outreach Ministries IV
Minister & Wife II
Heroes of the Faith
General Epistles
New Testament Church Today
World Missions
Synoptic Gospels
Isaiah
Organizing Your Ministry
Pastoral Theology
New Testament Greek & Practicum
Pastoral Epistles
Establishing New Testament Churches
Preaching & Teaching III
Pastoral Counseling
Congregational Internship

Mr. Rockey's study at Lael included the following courses [Exhibit 1]:

Biblical Psychotherapy
Excerpts from Exodus
Study of the Book of John
Study of the Book of Exodus
Study of the Book of Matthew
The Emerging Church.

In reference to whether Christian Outreach and Lael are accredited schools, in my opinion, the answer is no.

The term "accredited" is defined in § RL 160.02 (1), to mean accredited by the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools or its regional equivalent. Exhibit 6, Order Adopting Emergency Rules.

There is no evidence in the record establishing that Christian Outreach and Lael are accredited by the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools or its regional equivalent.

In reference to whether Mr. Rockey has obtained an associate's, bachelor's, master's or a doctoral degree in a field of behavioral science, in my opinion, the answer is no.

First, Mr. Rockey admits that the degrees that he obtained are not in a field of behavioral science. He does not contest this fact. He is seeking a determination that his education is "equivalent" to a degree in a field of behavioral science. Exhibit 5.

Second, in my opinion, there is no equivalency provision in the statutes or rules that would permit the Department to accept educational coursework other than that obtained in a field of behavioral science.

Finally, even if the Department had the authority to make an equivalency determination in reference to acceptable educational coursework, in my opinion, the course work that Mr. Rockey completed is not equivalent to course work completed in a field of behavioral science. The term "field of behavioral science" is not defined in the Emergency Rules that

were in effect at the time Mr. Rockey filed his application. Since that time, the Department has defined the term "behavioral science field" in its rules to mean any of the following [Exhibits 3 and 6]:

- (a) Health science.
- (b) Psychology.
- (c) Sociology.
- (d) Criminal justice.
- (e) Social work.
- (f) A field approved by the department.

The courses that Mr. Rockey took at Christian Outreach and Lael are not equivalent to the course work required in any of the behavioral science fields listed above. The courses that Mr. Rockey took are fine for their intended purpose; however, the courses did not in any way prepare him to treat substance use disorders.

IV Recommendations

Based upon the record herein, the Administrative Law Judge recommends that the Department of Regulation and Licensing adopt as its final decision in this matter, the proposed Findings of Fact, Conclusions of Law and Order as set forth herein.

Dated at Madison, Wisconsin this _____ day of August 2008.

Respectfully submitted,

Ruby Jefferson-Moore
Administrative Law Judge