

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."
The status of an appeal may be found on court access websites at:
<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wsccl>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov



Before The
State Of Wisconsin
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING
AND SOCIAL WORK EXAMINING BOARD

In the Matter of the Application for Professional
Counselor Training License, **CHRISTINE A.**
ELLIS, Applicant

FINAL DECISION AND ORDER
Order No. _____

Division of Legal Services and Compliance Case No. 12 CPC 021

ORDER 0002318

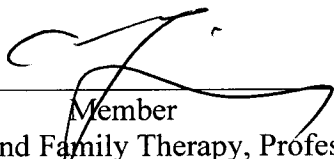
The State of Wisconsin, Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

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

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 at Madison, Wisconsin on the 26 day of February, 2013.



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



Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS

In the Matter of the Application for Professional
Counselor Training License, **CHRISTINE A.
ELLIS**, Applicant

PROPOSED DECISION AND ORDER
DHA Case No. SPS-12-0061

Division of Legal Services and Compliance¹ Case No. 12 CPC 021

ORDER 0002318

The parties to this proceeding for purposes of Wis. Stat §§ 227.47(1) and 227.53 are:

Christine A. Ellis
641 Marta Lane
Mosinee, WI 54455

Professional Counselor Section
Wisconsin Marriage and Family Therapy, Professional Counseling and Social Work
Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Safety and Professional Services, Division of Legal Services and
Compliance, by

Susan D. Beaupre
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

On May 7, 2012, the Professional Counselor Section of the Marriage and Family
Therapy, Professional Counseling and Social Work Examining Board (Section) denied Applicant

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

Christine A. Ellis' application for a professional counselor license. Pursuant to Wis. Admin. Code § MPSW 14.01, the Section denied Ms. Ellis' application on the basis that Ms. Ellis does not have a degree in professional counseling and failed to complete an academic program equivalent to a master's degree in professional counseling. Specifically, the Section determined that Ms. Ellis failed to complete at least three academic credit hours in a supervised counseling practicum and at least 42 credit hours in counseling related courses distributed among at least six of eight listed topic areas as required by Wis. Admin. Code § MPSW 14.01(2).

On August 7, 2012, the Division of Legal Services and Compliance (Division), on behalf of the Section, granted Ms. Ellis' appeal of her license denial. A Notice of Hearing was filed with the Division of Hearings and Appeals. Following a prehearing conference held on September 14, 2012, a hearing was held on September 27, 2012, which was followed by post-hearing briefs and a delayed exhibit, Exhibit A,² which was admitted on December 18, 2012.

FINDINGS OF FACT

1. Applicant Christine Ellis obtained a Master of Science degree from the University of Wisconsin-Madison, School of Human Ecology, with a major in Human Development and Family Studies. (Ex. 112) Because Ms. Ellis does not have a master's degree in professional counseling, she sought to obtain a professional counselor license pursuant to Wis. Stat. § 457.12 and Wis. Admin. Code §§ MPSW 11.01 and 14.01, which permit the Section to grant a

² Exhibit A was submitted as a delayed exhibit on December 18, 2012. It is the original version of the Division's Exhibit 1, pages 2 through 4 and of Ms. Ellis' Exhibit 101, pages 1 through 3. The copies contained in Exhibits 1 and 101 did not show which courses were highlighted. The parties stipulated via email on December 18, 2012 that the highlighted courses are the ones for which the Section did not accept credit hours. In stipulating to admission of Exhibit A, Ms. Ellis noted that she was not informed by the Section prior to hearing which of the courses it had accepted or rejected and that, had she known, this could have assisted her in preparing her response. If Ms. Ellis' statement is accurate that she was not informed which courses were accepted or rejected, this is troubling, although Ms. Ellis could have requested further information or clarification from the Section. I also note that the Division indicated in its response brief which course credits were accepted or rejected and that Ms. Ellis had the opportunity to respond in her reply brief.

professional counselor license to an applicant without a master's degree in professional counseling if, after evaluation of the applicant's academic program, the Section determines that the degree program is equivalent to a degree in professional counseling. Ms. Ellis applied for licensure as a professional counselor, presenting her master's degree as equivalent to a master's degree in professional counseling. (Ex. A)

2. To obtain her master's degree, Ms. Ellis completed a research thesis entitled, "Parenting Goals of Mothers in a Universal Access Home Visitation Program: Maintaining Parenting Across Generations" (hereinafter, referred to as "research thesis"). (Ex. 100)

3. To satisfy the requirement of Wis. Admin. Code § MPSW 14.01(2) that she complete three semester hours of academic credit in a supervised counseling practicum, Ms. Ellis offered four credits of her research thesis. (Ex. A)

4. The Section did not accept Ms. Ellis' research thesis work as satisfying the practicum requirement. (Ex A)

5. To satisfy the requirement of Wis. Admin. Code § MPSW 14.01(2) that she complete at least 42 semester hours of academic credit in counseling related courses distributed among at least six of eight topic areas, Ms. Ellis submitted a total of 67 credit hours distributed across six topic areas. (Ex. A) Of the 67 credits submitted, 44 were credit hours for her research thesis work and the remaining 23 credit hours were for other course work. (Ex. A)

6. The Section did not accept any of the 44 credit hours for Ms. Ellis' research thesis work but did accept 17 of the 23 credits in course work. (Ex. A) The six credits of course work that were not accepted were three credits for the course, Infancy and the Family, which Ms. Ellis submitted for the Appraisal of Individuals topic area described in Wis. Admin. Code § MPSW 14.01(2), and three credits for the course, Research Methods, which Ms. Ellis submitted for the

Research and Evaluation topic area. (Ex. A) Without the Infancy and the Family course credit hours and the research thesis credit hours, Ms. Ellis had no credits in the Appraisal of Individuals topic area, which meant that she only had credits in five of the eight topic areas rather than in six of the eight topic areas as required by Wis. Admin. Code § MSPW 14.01(2). (Ex. A)

7. At hearing, Ms. Ellis referenced the pages within her research thesis which she believed, in addition to her classroom course work, satisfied each of the six required topic areas for which she submitted course credits to the Section for consideration.³ For the Human Growth and Development topic area, Ms. Ellis referred to page 103, Appendix C, which is a short discussion of her role as a supervisor in the “Start Right Program” in 2005 and 2006 and the insights that role provided her. (Tr., p. 22)

8. For the Social and Cultural Foundations topic area, Ms. Ellis referenced pages three through six of her research thesis, although only pages four and five contain text. (Tr., p. 23; Ex. 100, pp. 3-6) These two pages are an abstract of the research thesis content and explain that the study examined four research questions: (1) What are the parenting goals of mothers who participate in a home visiting intervention program?; (2) Do mothers use their own histories of having been parented as reference values for their parenting goals?; (3) Do the parenting goals of mothers who have neglected their children differ from those of mothers who have provided adequate care?; and (4) What are the underlying processes that may hinder the development of healthy parenting goals, standards and reference values? (Ex. 100, p. 4)

9. The abstract on pages four and five also explains how the “data analysis” was conducted in the study: “First, a qualitative, directed content analysis was employed to analyze

³ Ms. Ellis also offered references to her research thesis to support the two other topic areas, Helping Relationships and Professional Counseling Orientation. (Tr., pp. 23-24, 32) However, because she did not submit these topic areas to the Section for consideration and the Section was therefore unable to review them, they are not discussed in this decision.

the responses of 28 mothers to the Parenting Goals Interview, a measure that assesses parents' long- and short-term socialization goals for their children. Next, a quantitative analysis was employed to compare the means of 14 mothers with elevated scores on the Child Neglect Index (mothers who have neglected) to a group of 14 mothers providing adequate care to discover differences for depressive symptoms as measured by the CES-D. Each of the mothers interviewed had a child between the ages of two and six years old and was participating in a universal access parent education and support home visiting intervention program.” (Ex. 100, p. 5)

10. For the Group Dynamics Process and Counseling topic area, Ms. Ellis referenced pages 7 through 23 of her research thesis, which contain an introduction entitled, “Home Visiting Programs,” and also referenced the work she stated she read for her research thesis, which appears on pages 80-91 of the research thesis. (Tr., pp. 30-31)

11. For the Lifestyle and Career Development topic area, Ms. Ellis referred to page 75 of her research thesis, which is an excerpted page of the section, “Negative Views of Relationships.” (Tr., p. 31; Ex 100, pp. 74-75) She explained the relationship between the topic area and page 75 as “really the intergenerational continuity or discontinuity of development over the lifetime.” (Tr., p. 31)

12. For the Appraisal of Individuals topic area, Ms. Ellis referenced the “Results” chapter of her research thesis, pages 36-59, which examines the answers to the questions listed in Finding of Fact 8, above. (Tr., pp. 31-32) Ms. Ellis testified that this chapter demonstrates “a mixed methods research analysis, both qualitative and quantitative, exhibiting [her] knowledge of appraising individuals, data and information gathering.” She stated, “Validity and reliability

[were] major factor[s] in this subsection of my thesis” and that “[p]sychometric statistics were utilized as well.” (Tr., p. 32)

13. For the Research and Evaluation topic area, Ms. Ellis again referenced pages 4-6 of her research thesis, discussed in Findings of Fact 8-9, above, which she stated showed “a broad understanding of research, basic statistics research, report development and implementation.” (Tr., p. 32)

14. For her research thesis, Ms. Ellis interviewed parents and case managers working with those parents to collect information for her study. (Tr., p. 51) She did not treat or counsel clients on various issues, but sampled specific individuals who qualified for her study. (Tr., pp. 52-53)

15. The syllabus which Ms. Ellis submitted for the Infancy and the Family course describes the course as covering “. . . theory, research and applications pertaining to infant development (birth to approximately 2 years) within the context of the family,” which Ms. Ellis testified was an accurate description of the course. (Ex. 102, p. 33; Tr., p. 56-57) When questioned how this course relates to the psychometric theories and approaches to appraisal, data and information gathering methods, Ms. Ellis responded that the course’s optional reading materials included research articles that used data analysis and data interpretation. (Tr., pp. 58-59)

16. Ms. Ellis also testified that her research thesis work qualifies for courses under the specified topic areas because she read books or other resources that relate to the topic areas. (Tr., pp. 59-60) Ms. Ellis testified that garnering knowledge in a specific topic area is equivalent to taking a course in that area. (*Id.*)

17. Ms. Ellis is a certified Medicaid psychotherapist and is certified by the Department of Health Services to work as a psychotherapist. (Ex. 106)

18. Ms. Ellis passed the National Counselor Examination and the Wisconsin Jurisprudence examination, which she testified are required for becoming a licensed counselor. (Exs. 104, 105; Tr., pp. 33-36)

DISCUSSION

Burden of Proof

In a license denial hearing, the applicant has the burden of proof to show by satisfactory evidence that the applicant meets the eligibility requirements set by law for a professional counseling license. Wis. Admin. Code § SPS 1.08(4). Thus, in this case, Ms. Ellis has the burden to prove that the Section was in error when it determined that, based on Ms. Ellis' submitted application materials, she did not have a degree equivalent to a master's degree in professional counseling because she failed to complete three credit hours of supervised counseling practicum and 42 credit hours of counseling related courses distributed across six of eight topic areas.

Violations of Wisconsin Statutes and Administrative Code

Because Ms. Ellis does not have a master's degree in professional counseling, she sought to obtain a professional counselor license pursuant to Wis. Stat. § 457.12 and Wis. Admin. Code § MPSW 11.01, which permit the Section to grant a professional counselor license to an applicant without a master's degree in professional counseling if, after evaluation of the applicant's academic program, the Section determines that the academic degree program is equivalent to a degree in professional counseling. In order to qualify a degree as equivalent to a degree in professional counseling, Wis. Admin. Code § MPSW 14.01(2) requires completion of

three semester hours of academic credit in a supervised counseling practicum, at least 42 semester hours of academic credit in “counseling related courses” distributed among at least six of eight topic areas described in Wis. Admin. Code § MPSW 14.01(2), and other requirements which are not at issue in this case. This provision states, in relevant part:

MPSW 14.01 Academic program equivalent to a master's degree in professional counseling. An academic program is the equivalent of a master's degree in professional counseling from an approved institution if the completed program meets the following criteria:

...
(2) The course work included successful completion of at least 3 semester hours or 4 quarter hours academic credit in a supervised counseling practicum; . . . and at least 3 semester hours or 4 quarter hours academic credit in at least 6 of the following 8 topic areas; and the course work included a total of at least 42 semester hours or 63 quarter hours of academic credit in counseling related courses distributed among at least 6 of the following 8 topic areas:

(a) Human growth and development — studies that provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal human behavior, personality theory, and learning theory within appropriate cultural contexts.

(b) Social and cultural foundations — studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, and differing lifestyles.

(c) The helping relationship — studies that provide a broad understanding of philosophic bases of helping processes, counseling theories and their applications, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development, and facilitation of client or consultee changes.

(d) Group dynamics processing and counseling — studies that provide a broad understanding of group development, dynamics, and counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches.

(e) Lifestyle and career development — studies that provide a broad understanding of career development theories; occupational and educational information sources and systems; career and leisure counseling, guidance and education; lifestyle and career decision making; career development program planning and resources; and effectiveness evaluation.

(f) Appraisal of individuals — studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors influencing appraisals, and use of appraisals results in helping processes.

(g) Research and evaluation — studies that provide a broad understanding of types of research, basic statistics, research report development, research implementation, program evaluation, needs assessment, publication of research information, and ethical and legal considerations.

(h) Professional counseling orientation — studies that provide a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards, and professional credentialing.

Supervised Counseling Practicum

The only credit hours Ms. Ellis submitted to satisfy the requirement for three credit hours of a supervised counseling practicum were four credits of her research thesis work. The Section did not accept these credit hours.

A practicum is not legally defined in the statutes or codes governing the professional counseling profession. However, ordinary usage of the term is defined as “a course of study designed esp[ecially] for the preparation of teachers and clinicians that involves the supervised practical application of previously studied theory.” *Merriam Webster’s Collegiate Dictionary*, 10th Edition.⁴ This definition of “practicum” suggests that a practicum is a structured course within a program of study that consists of practical work in the field. A practicum is meant to provide a student with an opportunity to bring “previously studied” theory into practice. Ms. Ellis’ research, by definition, consists of exploration of new theories, not practical application of previously studied theories. Ms. Ellis interviewed parents and case managers working with those parents to collect information for her research study. Ms. Ellis did not treat or counsel clients on various issues, but sampled specific individuals who qualified for her study. Data collection

⁴ At hearing, Ms. Ellis offered what she referred to as a “definition” of the term, “practicum.” (Tr., p. 14; Ex. 101, p. 86). However, as the ALJ stated at the hearing, the description offered was not in fact a definition, but was instead a course description of a course which Ms. Ellis did not even state she took. This course description is not relevant in determining whether Ms. Ellis’ research thesis constituted a practicum as that term is used in Wis. Admin. Code § MPSW 14.01(2). Instead, a dictionary definition is appropriate. See *Garcia v. Mazda Motor of America, Inc.*, 2004 WI 93, ¶ 14, 273 Wis. 2d 612, 682 N.W.2d 365 (when term in a statute is undefined, dictionary definitions may be consulted to discern its common meaning).

regarding a specific qualifying group is not equivalent to practical application of learned counseling theories.

Based on the foregoing, Ms. Ellis has not established by satisfactory evidence that her thesis research work met the required practicum requirement. Without three semester hours of practicum work, Ms. Ellis was ineligible for licensing. However, even if the Section were to have erred in denying the research thesis credits as qualifying credits for the practicum requirement, the license was properly denied as Ms. Ellis failed to meet the 42 credit hour requirement discussed below.

42 Credit Hours of Counseling-Related Courses Distributed Among Six of Eight Topic Areas

Ms. Ellis submitted a total of 67 credit hours distributed across six topic areas. In order to fulfill this licensing requirement, Ms. Ellis needed to complete at least 25 semester hours in at least one other topic area.

To satisfy the requirement of Wis. Admin. Code § MPSW 14.01(2) that she complete at least 42 semester hours of academic credit in counseling related courses distributed among at least six of eight topic areas, Ms. Ellis submitted a total of 67 credit hours distributed across six topic areas. Of the 67 credits submitted, 44 were credit hours for her research thesis work and the remaining 23 credits were for other coursework.

The Section did not accept any of the 44 credit hours for Ms. Ellis's research thesis work but did accept 17 of the 23 credits in course work distributed across five of eight topic areas. The six credit hours of course work that were not accepted were three credits for the course, Infancy and the Family, which Ms. Ellis submitted for the Appraisal of Individuals topic area, and three credit hours for the course, Research Methods, which Ms. Ellis submitted for the Research and Evaluation topic area. (Ex. A) Without the Infancy and the Family course credits

and the research thesis credits, Ms. Ellis had no credit hours in the Appraisal of Individuals topic area, which meant that she only had credits in five of the eight topic areas rather than in six of the eight topic areas, as required by Wis. Admin. Code § MPSW 14.01(2). (Ex. A)

Ms. Ellis has not established that the Section erred in rejecting the credit hours for the Infancy and Family course. As set forth above, Wis. Admin. Code § MPSW 14.01(2)(f) describes the Appraisal of Individuals topic as “studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors influencing appraisals, and use of appraisals results in helping processes.” The syllabus which Ms. Ellis submitted for the Infancy and the Family course describes the course as covering “. . . theory, research and applications pertaining to infant development (birth to approximately 2 years) within the context of the family,” which Ms. Ellis testified was an accurate description of the course. In light of the fact that the course only covered infants from birth to approximately two years old, it is not unreasonable to conclude that such studies do not constitute “studies that provide a *broad understanding* of group and individual educational and psychometric theories,” as described in Wis. Admin. Code § MPSW 14.01(2) (emphasis added).

Moreover, when questioned how this course relates to the psychometric theories and approaches to appraisal, data and information gathering methods, Ms. Ellis responded that the course’s optional reading materials included research articles that used data analysis and data interpretation. However, the description of the Appraisal of Individuals topic provided in Wis. Admin. Code § MPSW 14.01(2)(f) makes clear that applicants fulfilling a course under this topic are to learn, among other things, how to collect, analyze and interpret data and information. By Ms. Ellis’ interpretation, this course requirement is fulfilled as long as the applicant reads an

article that used some form of data analysis in reaching its conclusions. This interpretation would allow applicants to read any article that used data analysis as a tool and qualify that article as a course on data analysis. The Division analogizes, “Reading about research that used greenhouses to grow tomatoes can hardly teach one to build a greenhouse.” (Division’s Brief at 5).

Because I agree with the Division that Ms. Ellis has not demonstrated that the Section erred in rejecting the Infancy and the Family course as satisfying the Appraisal of Individuals topic area, Ms. Ellis has credit hours in five of the topic areas rather than six, as required by Wis. Admin. Code § MPSW 14.01(2). As a result, she was ineligible for licensing as a professional counselor.

However, even if all of the course work credits had been approved, Ms. Ellis would nonetheless have been denied a license without approval of her research thesis credits because Ms. Ellis submitted only 23 credit hours in other course work and she needed 42 semester hours of academic credit in “counseling related courses” to meet the requirements of Wis. Admin. Code § MPSW 14.01(2). The Section did not accept any of the 47 credit hours for research thesis work that Ms. Ellis submitted for any of the required topic areas. (Ex. A) Ms. Ellis has not established that the Section’s rejection of her research thesis work was in error.

Wisconsin Admin. Code § MPSW 14.01(2) requires an applicant to complete 42 semester hours in counseling related “courses” in six of the eight topic areas. Ms. Ellis equates her research thesis to taking “courses” in those topic areas. This is a strained interpretation of the term “course,” which usually involves such things as a syllabus created by an instructor, an instructor lecturing a classroom, and testing on the subject matter, none of which were shown here for Ms. Ellis’ research thesis. Nor can it be reasonably argued that the research thesis work

qualifies as courses under the specified topic areas because Ms. Ellis read books or other resources that relate to the topic areas. Garnering knowledge in a specific topic area is not equivalent to taking a course in that area. If such an interpretation were accepted, a degree in a field of study should be awarded to anyone who reads about the particular field. This is not a viable interpretation of the rules that ensures licensed individuals are at least minimally qualified to provide professional services.

Likewise, the excerpts from the research thesis that Ms. Ellis referenced in support of each of the six topic areas she submitted (*see* Findings of Fact 7-13) do not establish that she satisfied the requirements for the topic areas as they are defined in Wis. Admin. Code § MPSW 14.01(2), above. The excerpts referenced do not address the requirements of each topic area. In addition, each of the topics require a “broad understanding” of the topic at issue, whereas Ms. Ellis’ research thesis, by her own description in Findings of Fact 8-9, collected information on a relatively narrow group of people.

As noted by the Division in closing argument, the Section must ensure that individuals who are licensed are completely qualified to practice, particularly when they are not graduating with a professional counseling degree. Ms. Ellis’ research thesis work is limited in scope, focusing on the interaction between a subset of parents and children and involving a subset of questions regarding the subjects’ family dynamics. As a licensed professional counselor, however, Ms. Ellis would be licensed and considered qualified to counsel all areas within the professional counseling field, for counseling in general involving all types of clients. (Tr., at 72-73) She has not shown that it was error for the Section to reject her research thesis credit hours.

In further support of her position, Ms. Ellis notes that she is a Certified Medicaid psychotherapist and is certified by the Department of Health Services to work as a

psychotherapist. However, certification by another Department for other purposes is not relevant in determining whether she should be granted a license as a professional counselor by the Department of Safety and Professional Services.

Ms. Ellis also notes that she passed the National Counselor Examination and the Wisconsin Jurisprudence examination, which she states is evidence that she has the required knowledge in each of the eight topic areas addressed in Wis. Admin. Code § MPSW 14.01(2). However, successful completion of examinations is also required for licensure as a professional counselor pursuant to Wis. Stat. § 457.12(4) and Wis. Admin. Code § MPSW 11.02. Ms. Ellis cannot be waived from completing part of the licensure requirements because she completed another part. Moreover, as stated above, knowledge in these areas is not the same as taking the “academic credit in counseling related courses” required by Wis. Admin. Code § MPSW 14.01(2).

Finally, in support of her position, Ms. Ellis conveyed the following information, both in her closing statement at hearing and in her brief-in-chief. She stated that in her work as a psychotherapist, she works with a very marginalized and vulnerable population, such as very young children who have experienced trauma; for example, in domestic abuse situations, which, she asserts, in the county where she works, is a very prevalent problem. She stated that she begins working with such clients who have Medicaid insurance and that Medicaid can change the insurance, unbeknownst to clients or counselors, and require the clients to see a licensed professional counselor. She stated: “I would be working with someone who [has] experienced [an] extreme case of domestic violence, trauma as a five-, six-, seven-year-old child, and then as soon as a client rapport is built and this child feels safe and secure in a trusting relationship with a therapist, that insurance changes. Because I don’t have my LPC, I can no longer see that client,

and she or he, who's five years old, the most marginalized of citizens in our state, has to again kind of start over" (Tr., p. 68), "creating yet another barrier to effective treatment, re-traumatizing already traumatized and marginalized individuals, [and] negating psychological/emotional progress." (Ellis Brief-in-Chief at 5)

Ms. Ellis' argument is compelling and I note that in both these statements and throughout the hearing, Ms. Ellis demonstrated her dedication and commitment to the population she serves. However, while her argument is emotionally compelling and may reflect defects in the Medicaid or other systems that ought to be changed, this disciplinary proceeding may only address the legal issue presented, which is whether Ms. Ellis presented sufficient proof that the Section erred in determining that her degree program is not equivalent to a degree in professional counseling under Wis. Admin. Code § MPSW 14.01(2). Based on the record before me, I cannot conclude Ms. Ellis has met this burden.

CONCLUSIONS OF LAW

1. The Section has jurisdiction pursuant to Wis. Stat. § 457.12 and Wis. Admin. Code MPSW Chapter 11.

2. In a license denial hearing, the applicant has the burden of proof to show by satisfactory evidence that the applicant meets the eligibility requirements set by law for a professional counselor license. Wis. Admin. Code § SPS 1.08(4).

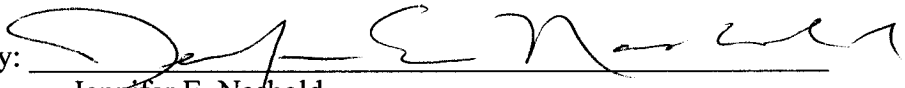
3. Ms. Ellis has not presented sufficient proof that the Section erred in denying her a professional counselor license on grounds that her degree program was not equivalent to a degree in professional counseling under Wis. Stat. § 457.12 and Wis. Admin. Code §§ MPSW 11.01 and 14.01.

ORDER

Accordingly, IT IS ORDERED that the Section's denial of Ms. Ellis' application to be licensed as a professional counselor is AFFIRMED.

Dated at Madison, Wisconsin on December 21, 2012.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 264-9885

By: 
Jennifer E. Nashold
Administrative Law Judge