Dear JCRAR members

I am writing to strongly urge you to approve Clearinghouse Rule 19-166. This rule updates and modernizes the Conduct Code for marriage and family therapists, professional counselors and social workers. This Conduct Code was developed in the early 1990’s when Google, tele-mental health and social media did not exist. Any professional Conduct Code needs to be reviewed and revised periodically as society changes and new ethical issues present themselves.

I understand that there have been some concerns expressed regarding the ban on Conversion Therapy in this rule. Conversion therapy is the practice of counseling that attempts to change one’s sexual orientation or gender identity. Every major mental health and the most influential medical national organizations have expressed opposition to conversion therapy. Conversion therapy is extremely harmful to LGBT children and young adults and causes numerous serious mental health issues including suicidality.

At a time that Wisconsin faces a suicide crisis, including among youth adults, this is not the time to allow this cruel and inhuman practice that leads to suicidality to continue

A concern has been raised that the Examining Board does not have the legal authority to implement several parts of the Clearinghouse Rule, particularly the ban on Conversion Therapy. However other states, including Utah have done exactly what is being proposed here-to designate Conversion Therapy as unprofessional conduct. Even more significantly, during the two and a half years that this issue has been discussed at the Examining Board, through two administrations, the Department of Safety and Professional Services attorneys have never told the Examining Board that they did not have the authority to pass this rule. I recently spoke with DSPS staff who informed me that the Department attorney strongly believes the Examining Board has the authority to make this rule change.

Concerns have also been raised about the inclusion of gender and gender identity and changing the standard for when a professional can have sex with a previous client. Gender identity recognized the existence of transgender people in our states, which was not considered previously. The standard of when members of these three professions can have sex with a previous client has evolved since the early 1990’s. The rule proposed by the Examining Board in this situation goes slightly beyond the current NASW Code of Ethics. If this particular provision is a major concern, you do have the authority to object in part to this provision, which would allow the Examining Board to tweak or revise the wording of this rule. Again the Department is clear that the Examining Board has the full authority to makes these changes.

I have been informed that the JCRAR is considered an indefinite objection to this rule. This type of extreme objection is unprecedented and unwarranted. It would send a huge negative message to the Gay, Lesbian, Bisexual and Transgender community in Wisconsin.

Instead I urge you to support Clearinghouse rule 19-166, with the Conversion therapy provision. With a vote in favor of this rule you have an opportunity to stop this cruel and inhuman practice during Pride month and stand up and support your LGBT constituents and fellow legislators on both sides of the aisle.

Sincerely yours

Marc

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Executive Director