

STATEMENT OF SCOPE

MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING AND SOCIAL WORK EXAMINING BOARD

Rule No.: Ch. MPSW 5

Relating to: Social Work Examinations

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only): N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to remove the provisions requiring social worker, advanced practice social worker, independent social worker and clinical social worker applicants to complete an examination on the Wisconsin statutes and rules (state laws) in addition to the examination approved by the section on minimum competence.

This rule will not remove the state law examination requirement for a reciprocity applicant or an applicant who holds a social worker training certificate

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

S. 457.08, Stats. requires applicants for a social worker, advanced practice social worker, independent social worker and clinical social worker credentials to pass an examination to determine minimum competence to practice (one of the national social worker exams). Applicants who are licensed in another state may apply under the reciprocal provisions under s. 457.15 (1), Stats and are required to pass an examination that tests knowledge of state law. Applicants for a social worker credential who are applying through the social worker training certificate provisions under s. 457.09, Stats. are required to pass the national social worker examination and an examination on the state laws.

There is no statutory requirement for applicants for a social worker (unless the applicant holds a social worker training certificate), advanced practice social worker, independent social worker and clinical social worker credentials to pass an examination on the state laws. An Attorney General Opinion (OAG 4-99) states the Examining Board may not require applicants for reciprocal certificates to pass an examination covering state law in the absence of a statutory requirement. Following OAG 4-99, the Board sought and obtained the statutory requirement for those applying by reciprocity to pass an examination on the state laws. However, there is no statutory requirement for those who are applying for an initial credential.

This proposed rule would remove the state laws examination requirement for those applying for a social worker, advanced practice social worker, independent social worker or clinical social worker credential due to the absence of a statutory requirement.

The alternative to removing this requirement is inconsistency between the statute and rule and maintaining a rule which implements a requirement that is not explicitly required or permitted by statute.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

S. 15.08 (5) (b), Stats. 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.

S. 457.03, Stats. The examining board shall upon the advice of the social worker section...promulgate rules establishing minimum standards for educational programs that must be completed for certification or licensure under this chapter and for supervised clinical training that must be completed for licensure as a clinical social worker...and approve educational programs and supervised clinical training programs in accordance with those standards.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

50 hours

6. List with description of all entities that may be affected by the proposed rule :

Applicants for social worker, advanced practice social worker, independent worker and clinical social worker credentials.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal. It is not likely to have a significant economic impact on small business.

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