

Report From Agency

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

IN THE MATTER OF RULE-MAKING : PROPOSED 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 14-057)

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to amend MPSW 3.09 (3) and (3m) and MPSW 5.01 (2) and (3) relating to social worker credentials.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 440.071 and 457.08

Statutory authority: ss. 15.08(5)(b), 457.03(1) and 457.03(3)

Explanation of agency authority:

Each board shall promulgate rules for its own guidance and the guidance of the profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular profession.

The Board shall promulgate rules establishing the minimum standards for supervised clinical training that must be completed for licensure as a clinical social worker and establish appropriate educational, training, experience, examination and continuing education requirements for each level of social worker credentials.

Related statute or rule: s. 440.071

Plain language analysis:

Section 1 removes the two requirements which are not in statute for licensure as a clinical social worker. The legislature removed the requirement that the supervised clinical social work practice be completed in no less than 2 years when it inserted the 3,000 hour requirement. This

rule removes the requirement which remained in the administrative code after the statutory change. The other requirement is deleting the requirement that the 1,000 hours of face-to-face client contact include “DSM diagnosis and treatment of individuals”. The statute requires only that the 3,000 hours experience be in clinical social work practice. The requirement that the supervised experience must include Diagnostic and Statistical Manual (DSM) diagnosis and treatment of individuals is not in the statutes and creates a higher burden on the applicant than the statutory requirements.

Section 2 brings the rule in compliance with Wisconsin 2013 Act 114 which created a provision that a credentialing board may not require a person to complete the postsecondary education before the person is eligible to take an exam. The current rule allows an applicant to take the exam for social worker or advanced practice social worker prior to graduation provided the school confirms the applicant is in good standing and is within 6 months within graduation. The current rules go beyond the statutes by requiring the school to indicate the person is in good standing and limiting the ability of the applicant to decide when to take the test. This rule removes the requirement for the school to confirm the applicant is in good standing and the requirement that the student must be within 6 months of graduation.

Summary of, and comparison with, existing or proposed federal regulation: None

Comparison with rules in adjacent states:

Illinois: Illinois does not require completion of education prior to taking the exam. Illinois does not require the supervised clinical hours to be completed in a specified time frame. An applicant is required to obtain 3,000 hours of supervised professional experience in clinical social work practice but does not specifically require “DSM treatment and diagnosis”.

Iowa: Iowa does not require completion of education prior to taking the exam. An applicant is required to have 2 years full time practice or 4,000 hours over a minimum of 2 years and maximum 6 years period of performing psychosocial assessment, diagnosis and treatment. At least one component of the diagnostic practice must include working knowledge of DSM.

Michigan: Michigan does not require completion of education prior to taking the exam. Michigan requires at least 4,000 hours in not less than 2 years. An applicant is required to obtain hours in clinical social work practice but does not specifically require “DSM treatment and diagnosis”.

Minnesota: Minnesota does not require the completion of education prior to taking the exam. Minnesota does not require the supervised clinical hours to be completed in a specified time frame. An application is required to have 200 hours of supervision during not less than 4,000 hours and not more than 8,000 hours of supervised clinical social work practice, which must include both diagnosis and treatment.

Summary of factual data and analytical methodologies:

The methodology was removing portions of the rule which are inconsistent with statutes.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

This rule was posted for economic comments for 14 days and none were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an 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 Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

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

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Sharon.Henes@wisconsin.gov. Comments must be received on or before the public hearing to be held on October 28, 2014 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 3.09(3) and (3m) are amended to read:

MPSW 3.09(3) Except as provided in sub. (3m), an affidavit that the applicant, after receiving a master's or doctoral degree and after receiving certification as an advanced practice social worker or an independent social worker, has completed at least 3,000 hours of clinical social work practice ~~in no less than 2 years~~, including at least 1,000 hours of face-to-face client contact ~~and including DSM diagnosis and treatment of individuals~~, under the supervision of a supervisor approved by the social worker section. Pre-licensed supervised practice shall meet the criteria under s. MPSW 4.01.

(3m) An applicant who after receiving a master's or doctoral degree in social work and completing any portion of the applicant's 3,000 hours of supervised clinical social work practice outside of Wisconsin in no less than 2 years may be given credit for those hours provided they included at least 1,000 hours of face-to-face client contact, or a proportionate number thereof, and also included DSM diagnosis and treatment of individuals, completed under the supervision of a supervisor acceptable to the social worker section.

SECTION 2. MPSW 5.01(2) and (3) are amended to read:

(2) An applicant for certification as a social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required degree, upon confirmation from the applicant's school that he or she is a student in good standing and is within 6 months of graduation.

(3) An applicant for certification as an advanced practice social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required degree, upon confirmation from the applicant's school that he or she is a student in good standing and is within 6 months of graduation.

SECTION 3. EFFECTIVE DATE. 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.), Stats.

(END OF TEXT OF RULE)

This Proposed Order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board is approved for submission to the Governor and Legislature.

Dated _____

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