

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

IN THE MATTER OF RULE-MAKING : 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 05-042)

ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to repeal MPSW 2.01 (9) (b); and to amend MPSW 2.01 (9) (intro.) and 3.09 (1), relating to postgraduate education and field experience for licensure as a clinical social worker.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statute interpreted:

Section 457.08 (4) (b) 1. and 2., Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) and 457.03, Stats.

Explanation of agency authority:

Currently, s. MPSW 2.01 (9) requires clinical courses to comprise at least 40% of an applicant's non-field placement credits in his or her social work degree program. That provision has resulted in unintended inequities for applicants because it requires some individuals to take more courses than others depending upon how many credits are required for the particular degree program. By requiring specific clinical courses, rather than a percentage of them, applicants will have to meet uniform criteria, regardless of how many credits are required in their degree program, thereby eliminating any existing inequities.

Section MPSW 3.09 (1) presently requires that applicants for licensure as clinical social workers provide evidence that, as part of their degree program, they took a course of study which included a clinical focus and a supervised field training. The underlying statutory provision was amended by the legislature in 2003 Wisconsin Act 301, permitting applicants to obtain their clinical requirements in a postgraduate setting, instead of only during their degree programs.

This proposal will now be in conformity with the statute and will permit applicants to substitute their hours of supervised clinical work experience in lieu of their supervised field training.

Related statute or rule:

There are no other related statutes or rules other than those listed above.

Plain language analysis:

Prior to the enactment of 2003 Wisconsin Act 301, s. 447.08 (4), Stats., required that applicants for licensure as a clinical social worker had to provide evidence that during the applicant's degree program, he or she took a course of study that included a clinical focus and a supervised field training. Because the law did not provide a means of achieving postgraduate clinical credit, this provision was found to be overly restrictive and was therefore amended by the legislature with 2003 Wisconsin Act 301. The amendment permitted applicants to obtain their clinical requirements in a postgraduate setting, rather than just during their degree programs.

The proposed rule changes would implement 2003 Wisconsin Act 301 by setting forth a specific number of hours of supervised clinical work experience which, in turn, could be substituted for the supervised clinical field training. Additionally, the proposal would amend s. MPSW 2.01 (9), which defines the term "clinical concentration in social work." Currently the rule requires clinical courses to comprise at least 40% of their non-field placement credits in their degree program. This rule has resulted in unintended inequities for applicants, depending on how many credits are required for each degree program. By requiring specific clinical courses, instead of a percentage of them, applicants will have to meet uniform criteria, regardless of how many credits are required in their degree program.

SECTION 1. Section MPSW 2.01 (9) (intro.) is amended. Under the existing rule, in order to graduate with a "clinical social work concentration" in either a master's or doctoral program, clinical courses must comprise at least 40% of the non-field placement credits. The existing rule also delineates the areas in which the theory and practice courses must be taken, for example, in case management, psychopathology in social work, clinical assessment and treatment of specific populations, psychopharmacology, psychotherapeutic interventions, and social work related electives.

The proposal eliminates the 40% non-field placement credit requirement. Instead, the rule would require students to take one psychopathology in social work course and two theory and practice courses from the following groups: case management, clinical assessment and treatment of specific populations and problems, psychopharmacology, psychotherapeutic interventions, and social work related electives.

SECTION 2. Section MPSW 2.01 (9) (b) is repealed because the psychopathology in social work course would now be a mandatory course, rather than an elected one.

SECTION 3. Section MPSW 3.09 (1) is amended. The existing rule requires applicants for licensure as clinical social workers to have either a master's or doctoral degree in social work

with a concentration in clinical social work. It also requires the completion of supervised field training as part of the degree program. This amendment enables applicants to substitute 1,500 hours of supervised clinical work experience in lieu of their supervised field training by submitting an affidavit indicating that they have completed 1,500 hours of supervised clinical social work experience in not less than one year in clinical setting, and which also includes at least 500 hours of supervised, face-to-face client contact.

Summary of, and comparison with, existing or proposed federal regulation:

The federal government does not regulate clinical social workers. The USCS refers to clinical social workers only in a discussion of evidentiary privileges in the Federal Rules of Evidence. The profession is mentioned in the CFR only as authorized providers of certain services, though certain code sections provide definitions of who qualifies as a clinical social worker.

In general, the federal code relies on state licensure. However, 8 CFR 216.5 adds the following: “A clinical social worker who is not licensed only because the state in which he or she practices does not provide for licensing will be considered a licensed professional recognized by Service if he or she is included in the Register of Clinical Social Workers published by the National Association of Social Workers or is certified by the American Board of Examiners in Clinical Social Work.” [See very similar language in 32 CFR 199.6.]

42 CFR Part 5 Appendix 2 says: “(iv) Clinical social worker means an individual who:

(A) Is certified as a clinical social worker by the American Board of Examiners in Clinical Social Work, or is listed on the National Association of Social Workers’ Clinical Register, or has a master’s degree in social work and two years of supervised clinical experience; and

(B) Is licensed to practice as a social worker, if required by the State of practice.”

42 CFE 410.73 contains the most detailed definition:

“(a) Definition: clinical social worker. For purposes of this part, a clinical social worker is defined as an individual who –

- (1) possesses a master’s or doctor’s degree in social work;
- (2) After obtaining the degree, has performed at least 2 years of supervised clinical social work;
- (3) Either is licensed or certified as a clinical social worker by the State in which the services are performed or, in the case of an individual in a State that does not provide for licensure or certification as a clinical social worker –
 - (i) Is licensed or certified at the highest level of practice provided by the laws of the State in which the services are performed; and

(ii) Has completed at least 2 years or 3,000 hours of post master's degree supervised clinical social work practice under the supervision of a master's degree level social worker in an appropriate setting such as a hospital, SNF, or clinic.”

These definitions, which do not require a clinical focus for the graduate studies or a supervised clinical field placement, are less restrictive than Wisconsin law, and the rule changes proposed here will bring Wisconsin requirements a step closer to the federal requirements.

Comparison with rules in adjacent states:

Illinois

While Illinois grants licenses for clinical social workers and social workers, their rules do not appear to require a specific “clinical concentration” as is the case in Wisconsin. However, Illinois does require that the degree be from a school accredited by the Council on Social Work Education. There does not appear to be a provision that permits applicants to substitute their hours of supervised clinical work experience for supervised field training. For further information, please see

<http://www.ilga.gov/commission/jcar/admincode/068/06801470sections.html>

Iowa

Iowa has a three-tiered licensing structure for social workers, but, regardless of the level, applicants must have graduated with a degree from a college or university that is accredited by the Council on Social Work Education. However, their rules do not appear to require a specific “clinical concentration,” nor does there appear to be a provision that addresses whether applicants may substitute their hours of supervised clinical work experience for supervised field training. For further information, please see

<http://www.idph.state.ia.us/licensure/laws.asp?board=sw>

Michigan

In April of 2004, legislation was enacted in Michigan which changed the regulation of social worker and certified social worker from registration to licensure. The rules about educational requirements seem to be in the midst of being promulgated. Therefore, it does not appear as if there is yet a requirement for having a clinical concentration in social work in Michigan, nor does there appear to be a provision that addresses whether applicants may substitute their hours of supervised clinical work experience for supervised field training. For further information, please see http://www.michigan.gov/documents/mdch_sw_pubnot_3_22_05_116851_7.pdf

Minnesota

Minnesota requires its applicants for clinical social work licenses to have completed either a master's or doctoral degree in social work that included an “advanced concentration of clinically oriented course work as defined by the board.” However, there does appear to be a provision that addresses whether applicants may substitute their hours of supervised clinical work

experience for supervised field training. For further information, please see <http://www.revisor.leg.state.mn.us/stats/148B>

Summary of factual data and analytical methodologies:

The department relied on information about graduate programs in social work from Wisconsin schools. Faculty from five of those schools comprised part of an Ad Hoc Committee that discussed and drafted the requirements for the social worker section.

Determination of significant fiscal effect on the private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal estimate:

The department estimates that this rule will require staff time in the Division of Professional Credentialing and Office of Legal Counsel to revise applications, and to provide customer service. The value of these staffs' salary and fringe benefits for this work is estimated at \$828.

Effect on small business:

Pursuant to s. 227.114 (1), Stats., these proposed rules will have no significant economic impact on a substantial number of small businesses. The Department's Small Business Regulatory Review Coordinator may be contacted by email at larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

Agency contact person:

Pamela Haack, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 171, P.O. Box 8935, Madison, Wisconsin 53708-8935. Telephone: (608) 266-0495. Email: pamela.haack@drl.state.wi.us.

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

Comments may be submitted to Pamela Haack, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 171, P.O. Box 8935, Madison, Wisconsin 53708-8935. Email pamela.haack@drl.state.wi.us. Comments must be received on or before July 11, 2005, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 2.01 (9) (intro.) is amended to read:

MPSW 2.01 (9) (intro.) "Clinical social work concentration" means a course of study with a primary focus on resolving intrapsychic and interpersonal problems by means of direct contact with clients at the individual, small group and family level. A concentration on

community or organizational problems, social planning or policy development does not constitute a clinical social work concentration. To qualify as a master's or doctoral degree in social work with a concentration in clinical social work, ~~clinical courses must comprise at least 40% of non-field placement credits in the degree program. A clinical social work concentration must~~ the course of study shall include theory and practice courses one course in psychopathology and social work and, from among the following, 2 theory and practice courses:

SECTION 2. MPSW 2.01 (9) (b) is repealed.

SECTION 3. MPSW 3.09 (1) is amended to read:

MPSW 3.09 (1) A certificate of professional education, signed and sealed by the chancellor, dean or registrar of the school from which the applicant has graduated with a master's or doctoral degree in social work with a concentration in clinical social work, including completion of supervised clinical field training. In lieu of supervised clinical field training, applicants may submit an affidavit indicating that they have completed 1,500 hours of supervised clinical social work experience in not less than one year within a primary clinical setting, which includes at least 500 hours of face-to-face client contact and is supervised as provided in s. MPSW 4.01.

(END OF TEXT OF RULE)

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.

Dated _____ Agency _____

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

MPSW 2.01, 3.09 CR05-042 (Postgraduate education and field experience) Final for Adoption 9-23-05