

# STATEMENT OF SCOPE

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

**Rule No.:** MPSW 3, 11, and 17  
**Relating to:** Application requirements for credentials.

**Rule Type:** Permanent

### 1. Finding/nature of emergency:

N/A.

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

The objective of the proposed rule will be to revise the relevant sections of the MPSW code in order to implement 2017 Wisconsin Act 278 and 2019 Wisconsin Act 143.

### 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:

This rule project will primarily update MPSW 3, 11, and 17 to bring the rules into compliance with the statutory changes enacted by 2019 Act 143. 2019 Act 143 entitles service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a credential in Wisconsin if the person resides in Wisconsin and holds a credential in good standing granted by a different jurisdiction. The credential can be renewed indefinitely.

The Board intends also to revise MPSW 17 in order to bring the chapter into compliance with 2017 Wisconsin Act 278 as it relates to discrimination in licensing based upon an arrest or conviction record. This chapter was inadvertently not revised when board otherwise updated its rules for conformity with Act 278 through CR 19-116.

### 4. Detailed explanation of statutory authority for the rule:

15.08 (5) (b) States that 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.

Section 440.09 (5), Stats. allows a credentialing board to promulgate rules necessary to implement the statutory changes enacted by 2019 Wisconsin Act 143.

2017 Wisconsin Act 278 § 23m states that a licensing agency may promulgate rules necessary to implement Act 278.

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

Approximately 80 hours.

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

Service members and former service members discharged under conditions other than dishonorable within the last four years seeking a credential issued by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, and their spouses. Individuals required to submit criminal history as part of the application process for a credential issued by the board.

**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 :**

None to minimal. The rule is not likely to have a significant economic impact on small businesses.

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