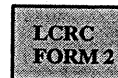


APR 04 2000



WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 00-054

AN ORDER to renumber SFC 8.03 (intro.) and (1) to (8); to amend SFC 8.02 (1), (1) (a) and (c), (2), (6) and (9) and the Note following SFC 8.03 (8); and to create SFC 8.03 (2), relating to continuing education programs.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

03-08-00 RECEIVED BY LEGISLATIVE COUNCIL.
03-30-00 REPORT SENT TO AGENCY.

RNS:RJC:rv;jal

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

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CLEARINGHOUSE RULE 00-054

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. The analysis is not particularly helpful in understanding what the rule does. Although the analysis does not have to be an exhaustive discussion of the rule, it should contain sufficient detail to enable the reader to understand the content of the rule and the changes made, if any, in existing rules.

b. The treatment clause of SECTION 1 of the rule should refer to the amendment of s. SFC 8.02 (1) (intro.), i.e., "SFC 8.02 (intro.), (a) and (c)"

c. It appears that the material being added to the note in SECTION 3 of the rule is intended as substantive material, which should be located in a substantive provision of the rule rather than in a note. If this is done, "shall" should replace "should."

d. In s. SFC 8.03 (2) (a) to (d), "may" should replace "will." [See s. 1.01 (2), Manual.]

e. Section SFC 8.03 (2) (b) refers to "vocational technical adult education courses." Several years ago, the Legislature changed the references in the statutes relating to the vocational and technical adult education system to the technical college system. The rule should be revised to refer to technical college courses.

4. Adequacy of References to Related Statutes, Rules and Forms

The reference to the note following s. SFC 8.03 (8) in the treatment clause of SECTION 3 of the rule should be a reference to the note following s. SFC 8.03 (1) (h) because SECTION 2 of the rule renumbered the provision.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section SFC 8.02 (1) (c) appears to be creating a definition of the term "CEH," which appears to be used only in the newly created s. SFC 8.03 (2). However, it seems as though the concept of CEH is relevant to the entire rule to the extent that "CEH" is synonymous with the term "continuing education hour." In s. SFC 8.02 (1), a social worker is generally required to complete 30 continuing education hours every two years. No mention is made in this provision of "CEHs." In s. SFC 8.03 (2), a certain number of CEHs are granted for various activities. If it is the rule's intent for the term "CEH" to be synonymous with "continuing education hour," then a more complete definition of "CEH" is necessary.

The awarding of CEHs "per continuing education hour" in s. SFC 8.03 (2) (a) is confusing. What is a "continuing education hour"? It is noted that the rule, by the amendment of s. SFC 8.02 (1) (c), defines a "CEH" as a 50-minute period; however, it does not define a "continuing education hour." The rule should be clarified.

One way of addressing these issues is to define "CEH" and "continuing education hour" in s. SFC 2.01 and amend s. SFC 2.01 (intro.) to read as follows: "In chs. SFC 2 to 7 8:".

b. Given its placement in the Wisconsin Administrative Code, it appears reasonable to conclude that continuing education programs described in s. SFC 8.03 (2) must all relate somehow to the practice of social work. However, some of the descriptions, particularly in pars. (a) and (h), specifically call for the programs to either "relate to the profession" or to consist of "relevant professional material." Should the reader conclude that other programs do not have to relate to the profession or be relevant to the practice of social work? It appears that the relationship between the continuing education programs and their relevance to the profession should be clarified and treated consistently in the rule.

STATE OF WISCONSIN
EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF SOCIAL
EXAMINING BOARD OF SOCIAL : WORKERS, MARRIAGE AND FAMILY
WORKERS, MARRIAGE AND FAMILY : THERAPISTS AND PROFESSIONAL
THERAPISTS AND PROFESSIONAL : COUNSELORS ADOPTING RULES
COUNSELORS : (CLEARINGHOUSE RULE 00-)

PROPOSED ORDER

An order of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors to **renumber** SFC 8.03 (intro.) and (1) to (8); to **amend** SFC 8.02 (1), (1) (a) and (c), (2), (6), (9) and the Note following SFC 8.03 (8); and to **create** SFC 8.03 (2), relating to continuing education programs.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 457.22, Stats.

Statutes interpreted: s. 457.22, Stats.

Under ch. SFC 8, social workers, advanced practice social workers, independent social workers and independent clinical social workers are required to complete continuing education in order to renew their certificates on July 1 of every odd-numbered year. These continuing education requirements for social workers were implemented on June 1, 1999. This proposed rule-making order clarifies what types of programs will be acceptable for meeting those requirements.

TEXT OF RULE

SECTION 1. SFC 8.02 (1), (1) (a) and (c), (2), (6) and (9) are amended to read:

SFC 8.02 (1) Unless granted a postponement or waiver under sub. (7), every social worker, advanced practice social worker, independent social worker, and independent clinical social worker certificate holder shall complete at least 30 ~~hours of~~ continuing education hours in each 2-year certification period which begins on July 1 of each odd-numbered year as specified in s. 457.20 (2), Stats.

(a) The 30 ~~hours of~~ continuing education hours shall be in courses and programs specified in this chapter.

✓ check

(c) In this chapter ~~one hour of continuing education~~ "CEH" means a period of continuing education consisting of not less than 50 minutes.

(2) Continuing education hours shall apply only to the certification period in which the hours are acquired. A certificate holder who applies for renewal after the renewal date specified in s. 457.20 (2), Stats., shall submit proof to the section that he or she has completed at least 30 ~~hours of continuing education~~ hours during the 2 years immediately preceding the date of application for renewal and meet the requirements for late renewal specified in s. 440.08 (3), Stats. Continuing education hours submitted to satisfy this requirement for late renewal shall not be used to satisfy continuing education requirements for a subsequent renewal.

As the related

(6) Applicants from other states applying under s. 457.15 (1), Stats., shall submit proof of completion of at least 30 ~~hours of continuing education~~ hours substantially meeting the requirements of this chapter within the 2-year certification period prior to application.

(9) A certificate holder who has been granted an exemption from the requirements of this chapter based on retirement from the active practice of social work may not return to the active practice of social work without submitting evidence satisfactory to the section that the holder completed at least 30 ~~hours of continuing education~~ hours during the 2 years immediately preceding the date of application to return to active practice and meets the requirements for late renewal specified in s. 440.08, Stats.

SECTION 2. SFC 8.03 (intro.) and (1) to (8) are renumbered SFC 8.03 (1) (intro.) and (a) to (h).

SECTION 3. The Note following SFC 8.03 ^{(1)(h)} ~~(8)~~ is amended to read:

Note: The following are examples of acceptable programs if the program covers subject matter described in this section: programs provided by public and private agencies as ongoing in-house training and development programs which meet agency mission requirements; programs by accredited college and university schools of social work; and, programs sponsored or provided by local or national professional social work associations. The acceptability of a continuing education program depends on the subject matter of the program rather than the program's title. The subject matter of a program in social work ethics should address one or more of the topics in ch. SFC 20.

substantive provisions

SECTION 4. SFC 8.03 (2) is created to read:

SFC 8.03 (2) A continuing education program may take any of the following forms, with credit granted as follows:

Duh!

(a) Formal presentations of relevant professional material at seminars, workshops, programs or institutes, which may include formal presentation and directed discussion of videotaped material: one CEH per continuing education hour for attendees; 2 CEHs per continuing education hour for presenters, but no additional CEHs will be granted for subsequent presentations of the same material.

tech college?

(b) University, college or vocational technical adult education courses, which may include formal presentation and directed discussion of videotaped instruction: 10 CEHs per semester credit or 6.6 CEHs per quarter credit for students; 20 CEHs per semester hour or 13.2 CEHs for instructors, but no additional CEHs will be granted for subsequent presentations of the same material.

(c) Educational sessions at state and national conferences: one CEH for attendees; 2 CEHs for presenters, but no additional CEHs will be granted for subsequent presentations of the same material.

(d) Educational telephone network courses: one CEH for attendees but educational telephone network courses may not be used to satisfy the social work ethics requirement; 2 CEHs for presenters, but no additional CEHs will be granted for subsequent presentations of the same material.

(e) Self-study courses approved by the American association of state social work boards, including courses via the internet: one CEH per credit completed, but self-study courses may not be used to satisfy the social work ethics requirement, and a maximum of 5 CEHs for self-study courses will be accepted in any biennium unless an exception is granted in advance by the section based on hardship or other extenuating circumstances.

(f) Authorship of a published textbook or professional resource book: 20 CEHs.

(g) Authorship of a published chapter in a textbook or professional resource book, or a professional journal article: 8 CEHs.

Some say relevant stuff... These don't should they

(h) Development of alternative media, such as computer software, videotapes, or audiotapes, relating to the profession: 8 CEHs.

(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
Examining Board of Social Workers,
Marriage and Family Therapists and
Professional Counselors

FISCAL EFFECT

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

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3/8/2000

OCT 25 2000

**STATE OF WISCONSIN
EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS**

**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF SOCIAL
EXAMINING BOARD OF SOCIAL : WORKERS, MARRIAGE AND FAMILY
WORKERS, MARRIAGE AND FAMILY : THERAPISTS AND PROFESSIONAL
THERAPISTS AND PROFESSIONAL : COUNSELORS ADOPTING RULES
COUNSELORS : (CLEARINGHOUSE RULE 00-054)**

TO: Senator Judy Robson, Senate Co-Chairperson
Joint Committee for the Review of Administrative Rules
Room 15 South, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS is submitting in final draft form rules relating to continuing education requirements.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

**STATE OF WISCONSIN
EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS**

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE :
EXAMINING BOARD OF SOCIAL : **REPORT TO THE LEGISLATURE**
WORKERS, MARRIAGE AND : **ON CLEARINGHOUSE RULE 00-054**
FAMILY THERAPISTS AND : **(s. 227.19 (3), Stats.)**
PROFESSIONAL COUNSELORS :

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

These rules will have no significant impact upon state or local units of government.

IV. STATEMENT EXPLAINING NEED:

Under ch. SFC 8, social workers, advanced practice social workers, independent social workers and independent clinical social workers are required to complete continuing education in order to renew their certificates on July 1 of every odd-numbered year. These continuing education requirements for social workers were implemented on June 1, 1999. This proposed rule-making order clarifies what types of programs will be acceptable for meeting those requirements, including professional seminars, self-study courses, etc.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on April 11, 2000. There were no appearances at the public hearing nor were any written comments received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

The recommendations suggested in the Clearinghouse Rule were accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

STATE OF WISCONSIN
EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF SOCIAL
EXAMINING BOARD OF SOCIAL : WORKERS, MARRIAGE AND FAMILY
WORKERS, MARRIAGE AND FAMILY : THERAPISTS AND PROFESSIONAL
THERAPISTS AND PROFESSIONAL : COUNSELORS ADOPTING RULES
COUNSELORS : (CLEARINGHOUSE RULE 00-054)

PROPOSED ORDER

An order of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors to *renumber* SFC 8.03 (1) to (8); to *renumber and amend* SFC 8.03 (intro.); to *amend* SFC 8.02 (1) (intro.), (a) and (c), (2), (6), (9) ; and to *create* SFC 8.03 (2), relating to continuing education programs.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 457.22, Stats.

Statutes interpreted: s. 457.22, Stats.

Under ch. SFC 8, social workers, advanced practice social workers, independent social workers and independent clinical social workers are required to complete continuing education in order to renew their certificates on July 1 of every odd-numbered year. These continuing education requirements for social workers were implemented on June 1, 1999. This proposed rule-making order clarifies what types of programs will be acceptable for meeting those requirements, including professional seminars, self-study courses, etc.

TEXT OF RULE

SECTION 1. SFC 8.02 (1) (intro.), (a) and (c), (2), (6) and (9) are amended to read:

SFC 8.02 (1) (intro.) Unless granted a postponement or waiver under sub. (7), every social worker, advanced practice social worker, independent social worker, and independent clinical social worker certificate holder shall complete at least 30 ~~hours of~~ continuing education hours in each 2-year certification period which begins on July 1 of each odd-numbered year as specified in s. 457.20 (2), Stats.

(a) The 30 ~~hours of~~ continuing education hours shall be in courses and programs specified in this chapter.

(c) In this chapter ~~one hour of continuing education~~ “continuing education hour” or “CEH” means a period of continuing education consisting of not less than 50 minutes.

(2) Continuing education hours shall apply only to the certification period in which the hours are acquired. A certificate holder who applies for renewal after the renewal date specified in s. 457.20 (2), Stats., shall submit proof to the section that he or she has completed at least 30 ~~hours of continuing education~~ hours during the 2 years immediately preceding the date of application for renewal and meet the requirements for late renewal specified in s. 440.08 (3), Stats. Continuing education hours submitted to satisfy this requirement for late renewal shall not be used to satisfy continuing education requirements for a subsequent renewal.

(6) Applicants from other states applying under s. 457.15 (1), Stats., shall submit proof of completion of at least 30 ~~hours of continuing education~~ hours substantially meeting the requirements of this chapter within the 2-year certification period prior to application.

(9) A certificate holder who has been granted an exemption from the requirements of this chapter based on retirement from the active practice of social work may not return to the active practice of social work without submitting evidence satisfactory to the section that the holder completed at least 30 ~~hours of continuing education~~ hours during the 2 years immediately preceding the date of application to return to active practice and meets the requirements for late renewal specified in s. 440.08, Stats.

SECTION 2. SFC 8.03 (intro.) is renumbered SFC 8.03 (1) (intro.) and amended to read:

SFC 8.03 Continuing education programs. (1) (intro.) The acceptability of a continuing education program depends on the subject matter of the program rather than the program’s title. The subject matter of a program in social work ethics should address one or more of the topics in ch. SFC 20. A continuing education program may be used to satisfy the requirements of this chapter if the subject matter of the continuing education program is one or more of the following:

SECTION 3. SFC 8.03 (1) to (8) are renumbered SFC 8.03 (a) to (h).

SECTION 4. SFC 8.03 (2) is created to read:

SFC 8.03 (2) A continuing education program may take any of the following forms, with credit granted as follows:

(a) Formal presentations of relevant professional material at seminars, workshops, programs or institutes, which may include formal presentation and directed discussion of videotaped material: 1 CEH per hour of continuing education for attendees, 2 CEHs per hour of continuing education for presenters, but no additional CEHs will be granted for subsequent presentations of the same material.

(b) University, college or vocational technical adult education courses, which may include formal presentation and directed discussion of videotaped instruction: 10

CEHs per semester credit or 6.6 CEHs per quarter credit for students, 20 CEHs per semester hour or 13.2 CEHs per quarter hour for instructors, but no additional CEHs will be granted for subsequent presentations of the same material.

(c) Educational sessions at state and national conferences: 1 CEH per hour of continuing education for attendees; 2 CEHs per hour of continuing education for presenters, but no additional CEHs will be granted for subsequent presentations of the same material.

(d) Educational telephone network (ETN) courses: 1 CEH per hour of continuing education for attendees, 2 CEHs per hour of continuing education for presenters, but no additional CEHs will be granted for subsequent presentations of the same material, and ETN courses may not be used to satisfy the social ethics requirement.

(e) Interactive internet learning courses offered by an accredited university or preapproved by the ASWB: 1 CEH per .1 CEU of instruction, but no more than 16 CEHs for interactive internet courses will be accepted in any biennium.

(f) Self-study courses approved by the association of social work boards, including courses via the internet: 1 CEH per credit completed, but self-study courses may not be used to satisfy the social work ethics requirement, and a maximum of 5 CEHs for self-study courses will be accepted in any biennium unless an exception is granted in advance by the section based on hardship or other extenuating circumstances.

(g) Authorship of a published textbook or professional resource book: 20 CEHs.

(h) Authorship of a published chapter in a textbook or professional resource book, or a professional journal article: 8 CEHs.

(i) Development of alternative media, computer software, videotapes, or audiotapes: 8 CEHs.

(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
Examining Board of Social Workers,
Marriage and Family Therapists
and Professional Counselors

FISCAL EFFECT

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

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10/24/00