

## WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2**RULES CLEARINGHOUSE**

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**CLEARINGHOUSE REPORT TO AGENCY**

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[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 01-020**

AN ORDER to amend SFC 4.01 (1) (b) 1. and 2., relating to supervision of precertification supervised practice of social work.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

02-22-01 RECEIVED BY LEGISLATIVE COUNCIL.

03-19-01 REPORT SENT TO AGENCY.

RNS:REL:jal;ksm

**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)]

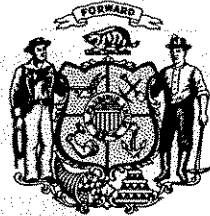
Comment Attached YES  NO

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## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 01-020

### 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

In s. SFC 4.01 (1) (b) 1., the word "doctor's" should be replaced by the word "doctoral" to be consistent with the terminology used in other SFC administrative code sections.

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

Section SFC 4.01 (1) (b) 2. allows a psychologist or psychiatrist to supervise pre-certification social work practice if the psychologist or psychiatrist is approved in advance by the social worker section. However, the rule does not provide any standards for the section to use in granting or denying approval. Are standards set forth elsewhere?

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

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF SOCIAL  
EXAMINING BOARD OF SOCIAL : WORKERS, MARRIAGE AND  
WORKERS, MARRIAGE AND : FAMILY THERAPISTS AND  
FAMILY THERAPISTS AND : PROFESSIONAL COUNSELORS  
PROFESSIONAL COUNSELORS : ADOPTING RULES  
: (CLEARINGHOUSE RULE 01- )

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PROPOSED ORDER

An order of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors to amend SFC 4.01 (1) (b) 1. and 2., relating to supervision of pre-certification supervised practice of social work.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

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

Statutes interpreted: s. 457.08 (3) (c) and (4) (c), Stats.

Currently, supervision may be exercised by "a social worker certified at least at the level of the social worker being supervised, if the supervising social worker is qualified to practice without supervision." This does not adequately protect the public since certain grandfathered social workers without adequate training, knowledge and skill satisfy that definition. This rule-making will require that social workers who supervise a period of pre-certification practice of social work have a master's or a doctor's degree in social work.

Currently, there is no requirement for advance approval of supervisors. This rule-making permits supervision by a psychologist or a psychiatrist "if the social worker section determines that supervision by a certified social worker is unobtainable or unreasonably restrictive of the delivery of social work services to a particular population." Different interpretations of that language have led to misunderstandings. To avoid such situations, advance approval of supervisors other than independent clinical social workers will be required. This rule-making requires a person contemplating supervision by a person other than an independent clinical social worker to obtain approval by the social worker section in advance of the supervision period.

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TEXT OF RULE

SECTION 1. SFC 4.01 (1) (b) 1. and 2. are amended to read:

SFC 4.01 (1) (b) 1. A social worker certified at least at the level of the social worker being supervised, if the supervising social worker has a master's or doctor's degree in social work and is qualified to practice without supervision, or

2. A psychologist licensed under ch. 448, Stats., or a psychiatrist licensed under ch. 448, Stats., approved by the social worker section in advance of the supervision of the practice of social work if the social worker section determines that supervision by a certified social worker is unobtainable or unreasonably restrictive of the delivery of social work services to a particular population, or unduly interferes with training social workers in providing services to a particular population.

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(END OF TEXT OF RULE)  
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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 ESTIMATE

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 proposed 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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2/21/01

SEP 13 2001

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

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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  
COUNSELOR : (CLEARINGHOUSE RULE 01-020)

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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 supervision of pre-certification supervised practice  
of social work.

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.

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

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**IN THE MATTER OF RULE-MAKING :**  
**PROCEEDINGS BEFORE THE :**  
**EXAMINING BOARD OF SOCIAL :** **REPORT TO THE LEGISLATURE**  
**WORKERS, MARRIAGE AND :** **ON CLEARINGHOUSE RULE 01-020**  
**FAMILY THERAPISTS AND :** **(s. 227.19 (3), Stats.)**  
**PROFESSIONAL COUNSELORS :**

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**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:**

Currently, supervision may be exercised by "a social worker certified at least at the level of the social worker being supervised, if the supervising social worker is qualified to practice without supervision." This does not adequately protect the public since certain grandfathered social workers without adequate training, knowledge and skill satisfy that definition. This rule-making will require that social workers who supervise a period of pre-certification practice of social work have a master's or a doctoral degree in social work.

Currently, there is no requirement for advance approval of supervisors. This rule-making permits supervision by a psychologist or a psychiatrist "if the social worker section determines that supervision by a certified social worker is unobtainable or unreasonably restrictive of the delivery of social work services to a particular population." Different interpretations of that language have led to misunderstandings. To avoid such situations, advance approval of supervisors other than independent clinical social workers will be required. This rule-making requires a person contemplating supervision by a person other than an independent clinical social worker to obtain approval by the social worker section in advance of the supervision period.

**V. NOTICE OF PUBLIC HEARING:**

A public hearing was held on June 13, 2001. There were no appearances at the public hearing nor were any written comments received.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

Comment 5. Response: The approval of psychologists or psychiatrists is not a matter of their qualifications, but only of the section's analysis of the language in the rule already, "... if the social worker section determines that supervision by a certified social worker is unobtainable or unreasonably restrictive of the delivery of social work services to a particular population, or unduly interferes with training social workers in providing services to a particular population."

**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.

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9/12/01



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

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
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SFC 4.01 (1) (b) 1. A social worker certified at least at the level of the social worker being supervised, if the supervising social worker has a master's or doctoral degree in social work and is qualified to practice without supervision, or

2. A psychologist licensed under ch. 455, Stats., or a psychiatrist licensed under ch. 448, Stats., approved by the social worker section in advance of the supervision of the practice of social work if the social worker section determines that supervision by a certified social worker is unobtainable or unreasonably restrictive of the delivery of social work services to a particular population, or unduly interferes with training social workers in providing services to a particular population.

SECTION 2. A Note following SFC 4.01 (4) is created to read:

Note: Independent social workers are qualified to practice social work, but not psychotherapy, without supervision. Independent clinical social workers are qualified to practice social work, including psychotherapy, without supervision. Thus, under s. SFC 4.01 (1) (b) 1., a person credentialed as an advanced practice social worker or an independent social worker must receive supervision from an independent clinical social worker in order to accumulate supervised experience prior to applying for certification as an independent clinical social worker, and a person credentialed as an advanced practice social worker must receive supervision from an independent social worker or an independent clinical social worker in order to accumulate supervised experience prior to applying for certification as an independent social worker.

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(END OF TEXT OF RULE)  
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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 ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.

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9/12/01