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**WISCONSIN LEGISLATIVE COUNCIL  
RULES CLEARINGHOUSE**

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

**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 01-095**

AN ORDER to amend SFC 3.11, relating to the social worker temporary certificate to conform to a new procedure for computerized examinations.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

08-03-01 RECEIVED BY LEGISLATIVE COUNCIL.

08-24-01 REPORT SENT TO AGENCY.

RS:REL: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

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 : THERAPISTS AND PROFESSIONAL  
FAMILY THERAPISTS AND : COUNSELORS ADOPTING RULES  
PROFESSIONAL COUNSELORS : (CLEARINGHOUSE RULE 01- )

PROPOSED ORDER

An order of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors to amend SFC 3.11, relating to the social worker temporary certificate to conform to a new procedure for computerized examinations.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 457.03 (1), Stats.

Statutes interpreted: s. 457.14, Stats.

The Social Worker Section of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors amends s. SFC 3.11 to conform to a new procedure for computerized examinations. Under current law, a social worker temporary certificate expires "9 months from date of issue of the temporary certificate, or release of the examination scores from the next available examination after the date of the application for the temporary certificate, whichever is earlier." Until recently, examinations were offered only a few times per year. Computerized examinations will soon be offered at any time. Under the current language, the maximum duration of a temporary certificate would be reduced to a few days, and the language must be changed to effect the purpose of the rule.

TEXT OF RULE

SECTION 1. SFC 3.11 is amended to read:

**SFC 3.11 Temporary certificate.** The social worker section may issue a temporary certificate permitting the use of the title "social worker" to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the certificate except for passing the required examination. ~~The temporary certificate shall be valid for a period of 9 months from date of issue of the temporary certificate, or release of the examination scores from the next available examination after the date of the application for the temporary certificate, whichever is earlier.~~ The temporary certificate expires upon notification of failure of the examination results

or expiration of the 9 month period, whichever is earlier. The temporary certificate of an individual who fails the examination must be returned to the social worker section. The temporary certificate may not be renewed.

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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.

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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**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 : WORKERS, MARRIAGE AND FAMILY  
SOCIAL WORKERS, MARRIAGE : THERAPISTS AND PROFESSIONAL  
AND FAMILY THERAPISTS AND : COUNSELORS ADOPTING RULES  
PROFESSIONAL COUNSELORS : (CLEARINGHOUSE RULE 01-095)**

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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 the social worker temporary certificate to conform to a new procedure for computerized examinations.

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 01-095**  
**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:**

The Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors amends s. SFC 3.11 to conform to a new procedure for computerized examinations. Under current law, a social worker temporary certificate expires "9 months from date of issue of the temporary certificate, or release of the examination scores from the next available examination after the date of the application for the temporary certificate, whichever is earlier." Until recently, examinations were offered only a few times per year. Computerized examinations will soon be offered at any time. Under the current language, the maximum duration of a temporary certificate would be reduced to a few days, and the language must be changed to effect the purpose of the rule.

**V. NOTICE OF PUBLIC HEARING:**

A public hearing was held on September 18, 2001. There were no appearances at the public hearing nor were any written comments received.

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

There were no recommendations suggested in the Clearinghouse Report.

**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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10/25/01

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

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WORKERS, MARRIAGE AND : THERAPISTS AND PROFESSIONAL  
FAMILY THERAPISTS AND : COUNSELORS ADOPTING RULES  
PROFESSIONAL COUNSELORS : (CLEARINGHOUSE RULE 01-095)

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Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson \_\_\_\_\_

Examining Board of Social Workers, Marriage  
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