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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 01-153

AN ORDER to amend SFC 3.07 (3) and 3.09 (3), relating to pre-certification supervised practice.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

12-17-01 RECEIVED BY LEGISLATIVE COUNCIL.

01-11-02 REPORT SENT TO AGENCY.

RS:DD:tlu;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 01-153

#### 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 relating clause does not sufficiently alert the reader to the subject matter of the rule. Adding “for independent social workers and independent clinical social workers” at the end of the clause would be helpful.

b. The rule contains no initial applicability clause. Is it intended to apply to everyone immediately after it becomes effective or, for example, only to persons who receive the required degree and certification on or after the effective date of the rule? In other words, consideration should be given to the effect of the rule on persons presently engaged in supervised practice in reliance on the current rules.

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

a. The department’s analysis only describes SECTION 2 of the rule; there is no description of SECTION 1. Further, the department’s analysis makes reference to supervised “clinical” social work practice. It is assumed that the reference to “clinical” is inappropriate because the supervised practice must meet the criteria under s. SFC 4.01.

b. To ensure that the rule requires the entire two years of supervised social work practice to occur after the degree and certification requirements are met, it is suggested that “commenced and” precede “completed” in both rule provisions.

**WISCONSIN DEPARTMENT OF  
REGULATION & LICENSING**

**Scott McCallum**  
Governor  
**Oscar Herrera**  
Secretary



1400 East Washington Avenue  
PO Box 8935  
Madison WI 53708-8935  
Email: [dori@drl.state.wi.us](mailto:dori@drl.state.wi.us)  
Voice: 608-266-2112  
FAX: 608-267-0644  
TTY: 608-267-2416

December 17, 2001

**TO:** Ron Sklansky, Director  
Rules Clearinghouse  
Wisconsin Legislative Council  
1 East Main Street, Suite 401

**FROM:** Pamela A. Haack, Paralegal  
Office of Administrative Rules  
Department of Regulation and Licensing  
Room 171, 1400 East Washington Avenue  
(608) 266-0495

**RE:** Proposed Rule-Making Order of the Examining Board of Social Workers  
Marriage and Family Therapists and Professional Counselors

Attached please find a proposed rule-making order of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors submitted under s. 227.15, Wis. Stats. These proposed rules relate to pre-certification supervised practice. The proposed order contains citations to the statutory authority under which the board intends to adopt the proposed rules and a description of the effect of the proposal.

Please stamp or sign a copy of this letter to acknowledge receipt. Please call me at 266-0495 if I can be of any assistance to the Clearinghouse in reviewing this rule.

Thank you.

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 01- )

PROPOSED ORDER

An order of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors to amend SFC 3.07 (3) and 3.09 (3), relating to pre-certification supervised practice. ← not descriptive

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

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

Statutes interpreted: s. 457.08, Wis. Stats.

In this proposed rule-making order the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors creates a requirement that persons who obtain supervised clinical social work practice in order to apply for certification as an independent clinical social worker be certified as an advanced practice social worker or an independent social worker. Applicants for certification as an independent clinical social worker must complete 2 years of full-time clinical social work practice. Current rules do not specify that the person being supervised be certified as a social worker. The Social Worker Section wishes to impose a requirement that the supervised practice be obtained while certified as an advanced practice social worker or independent social worker. In order to ensure that an applicant for independent clinical worker understand social work practice, the section wishes to require that the applicant be certified at an appropriate social work level while obtaining the necessary 2 years of supervised clinical practice.

TEXT OF RULE

SECTION 1. SFC 3.07 (3) is amended to read:

← Applicant for certification as an independent social worker  
SFC 3.07 (3) An affidavit that the applicant, after receiving a master's or doctoral degree and after receiving certification as an advanced practice social worker, has completed the equivalent of 2 years of full-time practice of social work under the supervision of a supervisor

Draft of December 13, 2001

Page 1

cf. s. 457.08(3)

approved by the social worker section ~~after receiving a master's or doctoral degree~~. Pre-certification supervised practice shall meet the criteria under s. SFC 4.01.

SECTION 2. SFC 3.09 (3) is amended to read:

*Application for certification as an independent clinical social worker*  
SFC 3.09 (3) An affidavit that the applicant, after receiving a master's or doctoral degree and after receiving certification as an advanced practice social worker ~~or an independent social worker~~, has completed the equivalent of 2 years of full-time practice of social work under the supervision of a supervisor approved by the social worker section ~~after receiving a master's or doctoral degree~~. Pre-certification supervised practice shall meet the criteria under s. SFC 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.), Wis. Stats.

*ref. 457.08(4) initial app?*

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), Wis. Stats.

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

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<b>IN THE MATTER OF RULE-MAKING</b>	<b>:</b>	<b>PROPOSED ORDER OF THE</b>
<b>PROCEEDINGS BEFORE THE</b>	<b>:</b>	<b>EXAMINING BOARD OF</b>
<b>EXAMINING BOARD OF,</b>	<b>:</b>	<b>SOCIAL WORKERS, MARRIAGE</b>
<b>SOCIAL WORKERS, MARRIAGE</b>	<b>:</b>	<b>AND FAMILY THERAPISTS AND</b>
<b>AND FAMILY THERAPISTS AND</b>	<b>:</b>	<b>PROFESSIONAL COUNSELORS</b>
<b>PROFESSIONAL COUNSELORS</b>	<b>:</b>	<b>ADOPTING RULES</b>
	<b>:</b>	<b>(CLEARINGHOUSE RULE 01-153)</b>

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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 pre-certification supervised practice for independent social workers and independent clinical social workers.

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 01-153
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:**

Applicants for certification as an independent social worker must complete 2 years of full-time supervised social work practice, and applicants for certification as an independent clinical social worker must complete 2 years of full-time clinical social work practice. Current rules do not specify that the person being supervised be certified as a social worker. In order to ensure that applicants for certification as independent social workers and independent clinical workers understand social work practice, the section wishes to require that the applicant be certified at an appropriate social work level while obtaining the necessary 2 years of supervised practice. In this rule-making order the board creates requirements that persons who obtain supervised clinical social work practice in order to apply for certification as an independent social worker be certified as an advanced practice social worker, and that persons who obtain supervised clinical social work practice in order to apply for certification as an independent clinical social worker be certified as an advanced practice social worker or an independent social worker.

**V. NOTICE OF PUBLIC HEARING:**

A public hearing was held on January 17, 2002. There were no appearances at the public hearing nor were any written comments received.

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

Comment 5.b. To ensure that the rule requires the entire two years of supervised social work practice to occur after the degree and certification requirements are met, it is suggested that "commenced and" precede "completed" in both rule provisions.



Response to Comment 5.b. Rather than making the phrase "commenced and" as suggested, the section changed the word "completed" to "obtained."

The remaining recommendations suggested in the Clearinghouse Report 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.

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4/8/02

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  
COUNSELORS : (CLEARINGHOUSE RULE 01-153)

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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 3.07 (3) and 3.09 (3), relating to pre-certification supervised practice for independent social workers and independent clinical social workers.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

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

Statutes interpreted: s. 457.08, Wis. Stats.

Applicants for certification as an independent social worker must complete 2 years of full-time supervised social work practice, and applicants for certification as an independent clinical social worker must complete 2 years of full-time clinical social work practice. Current rules do not specify that the person being supervised be certified as a social worker. In order to ensure that applicants for certification as independent social workers and independent clinical workers understand social work practice, the section wishes to require that the applicant be certified at an appropriate social work level while obtaining the necessary 2 years of supervised practice. In this rule-making order the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors creates requirements that persons who obtain supervised clinical social work practice in order to apply for certification as an independent social worker be certified as an advanced practice social worker, and that persons who obtain supervised clinical social work practice in order to apply for certification as an independent clinical social worker be certified as an advanced practice social worker or an independent social worker.

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TEXT OF RULE

SECTION 1. SFC 3.07 (3) is amended to read:

SFC 3.07 (3) An affidavit that the applicant, after receiving a master's or doctoral degree and after receiving certification as an advanced practice social worker, has completed obtained the equivalent of 2 years of full-time practice of social work under the supervision of a

supervisor approved by the social worker section ~~after receiving a master's or doctoral degree.~~  
Pre-certification supervised practice shall meet the criteria under s. SFC 4.01.

SECTION 2. SFC 3.09 (3) is amended to read:

SFC 3.09 (3) An affidavit that the applicant, after receiving a master's or doctoral degree and after receiving certification as an advanced practice social worker or an independent social worker, has completed the equivalent of 2 years of full-time practice of social work under the supervision of a supervisor approved by the social worker section ~~after receiving a master's or doctoral degree.~~ Pre-certification supervised practice shall meet the criteria under s. SFC 4.01.

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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 sixth month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Wis. 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 rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Wis. Stats.