



Carol Roessler
STATE SENATOR

March 3, 2004

To: Member of the Senate Committee on Health, Children, Families, Aging and Long Term Care.

From: Senator Carol Roessler, Chair

Re: Clearinghouse Rule 03-090 relating to the determination of the equivalency of a foreign degree to a degree from an institution accredited in the United States, and to require some candidates to demonstrate English proficiency.

CR 03-090 has been referred to the Senate Committee on Health, Children, Families, Aging and Long Term Care Committee. Under current requirements, applicants for social worker certification or licensure must have earned a social work degree from a school accredited by the Council on Social Work Education. Applicants otherwise qualified are prevented from obtaining Wisconsin certification or licensure if the applicant obtained a degree in another country. The Council on Social Work Education has a process for determining equivalency of degrees, and in fairness to graduates of foreign schools, the Social Worker Section wishes to rely on that process for accepting equivalent degrees. These sections amend the rules to permit the Social Worker Section to accept from applicants for social worker certification or licensure a foreign degree determined by a national accrediting organization to be equivalent to a degree from an accredited school. The amendment would require candidates to demonstrate proficiency in English.

If you would like the Committee to hold a hearing on CR 03-090, please contact Jennifer Halbur in my office at 266-5300 by Monday March 15th.

**STATE OF WISCONSIN
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING AND
SOCIAL WORK EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : MARRIAGE AND FAMILY THERAPY
MARRIAGE AND FAMILY THERAPY, : PROFESSIONAL COUNSELING AND
PROFESSIONAL COUNSELING AND : SOCIAL WORK EXAMINING
SOCIAL WORK EXAMINING : BOARD
BOARD :
: ADOPTING RULES : (CLEARINGHOUSE RULE 03-090)**

TO: Alan J. Lasee
President of the Senate
Room 219 South, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING AND SOCIAL WORK EXAMINING BOARD is submitting in final draft form rules relating to the determination of the equivalency of a foreign degree to a degree from an institution accredited in the United States, and to require some candidates to demonstrate English proficiency.

If you have any questions concerning the final draft form or desire additional information, please contact Joel Garb at 261-2385.

**STATE OF WISCONSIN
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING AND
SOCIAL WORK EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 03-090
MARRIAGE AND FAMILY THERAPY, : (s. 227.19 (3), Stats.)
PROFESSIONAL COUNSELING AND :
SOCIAL WORK EXAMINING BOARD :**

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:

There will be no additional cost to the Department of Regulation and Licensing to certify these applicant social workers than for current applicants with degrees from schools in the United States that are accredited by the Council.

IV. STATEMENT EXPLAINING NEED:

This rule was originally submitted to the Clearinghouse in October 2003. At that time only the Social Work Section requested a rule change. Since then the Professional Counselor Section and the Marriage and Family Therapist Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board have requested that sections of the rule address their applicants. All three sections receive numerous inquiries and applications from individuals who have received their education in foreign institutions of higher learning. The sections in the past have not had an adequate means of evaluation of the education of these applicants. Currently, accrediting organizations in each of the professions have instituted processes for evaluating whether foreign degrees are equivalent to degrees granted by domestic institutions of higher learning. The rules allow the sections to take advantage these means of evaluation to further serve the needs of the public. The rules also allow the sections to insure that applicants from foreign institutions have an adequate command of the English language.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on January 13, 2004. No comments were made either in favor or in opposition to the proposed rule either at the hearing or subsequently in writing.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comments 1. In response to the inquiry to explain the statutory authority for this rule proposal, the rule is a reasonable extension of accreditation authority of the Council on Social Work Education. The new rules simply allow the Council to determine the equivalency of foreign degree programs to domestic degree programs which have been accredited by the council.

Comment 2. a. and b. The recommendations have been adopted.

Comment 5. The recommendation has been adopted as practicable to indicate the rule is concerned with social work degrees.

MPSW 3.01 CR03-090 (Foreign degrees) Leg report 2-27-04.doc

STATE OF WISCONSIN
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING AND
SOCIAL WORK EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE :MARRIAGE AND FAMILY THERAPY,
MARRIAGE AND FAMILY THERAPY, :PROFESSIONAL COUNSELING AND
PROFESSIONAL COUNSELING AND :SOCIAL WORK EXAMINING BOARD
SOCIAL WORK EXAMINING BOARD : ADOPTING RULES
:(CLEARINGHOUSE RULE 03-090)

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to amend MPSW 3.01 (2), 3.05 (2), 3.07 (2), 3.09 (2), 11.01 (1) (b) and 16.01 (1) (a) 3., relating to the determination of the equivalency of a foreign degree to a degree from an institution accredited in the United States, and to require some candidates to demonstrate English proficiency.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.085 (5) (b), 227.11 (2) and 457.03 (1), Stats.

Statutes interpreted: ss. 457.08, 457.10 and 457.13, Stats.

SECTIONS 1. to 4. Under current requirements, applicants for social worker certification or licensure must have earned a social work degree from a school accredited by the Council on Social Work Education. Applicants otherwise qualified are prevented from obtaining Wisconsin certification or licensure if the applicant obtained a degree in another country. The Council on Social Work Education has a process for determining equivalency of degrees, and in fairness to graduates of foreign schools, the Social Worker Section wishes to rely on that process for accepting equivalent degrees. These sections amend the rules to permit the Social Worker Section to accept from applicants for social worker certification or licensure a foreign degree determined by a national accrediting organization to be equivalent to a degree from an accredited school. The amendment would require candidates to demonstrate proficiency in English. These sections specify the new process and requirement.

SECTION 1. addresses the qualifications of applicants for the basic level social worker certification.

SECTION 2. addresses the qualifications for certification as an advanced practice social worker.

SECTION 3. addresses the qualifications for certification as an independent social worker.

SECTION 4. addresses qualifications for licensure as a clinical social worker.

SECTION 5. Under current requirements, licensure as a professional counselor requires that candidates be graduates of programs accredited by the Commission for Accreditation of Counseling (CACREP) and Related Educational Programs or the Council on Rehabilitation Education. The National Board of Certified Counselors provides a service to evaluate whether foreign degrees are equivalent to a degree program accredited by CACREP. The amendment would require candidates to demonstrate proficiency in English. This section specifies the new process and requirement.

SECTION 6. Under current requirements, licensure as a marriage and family therapist requires that candidates be graduates of programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) of the American Association of Marriage and Family Therapy. This amendment permits an individual who is a graduate of a program from a foreign institution to seek licensure when an organization approved by the Marriage and Family Section determines that the program is equivalent to a program accredited by COAMFTE. The amendment would require candidates to demonstrate proficiency in English. This section specifies the new process and requirement.

TEXT OF RULE

SECTION 1. MPSW 3.01 (2) is amended to read:

MPSW 3.01 (2) Verification that the school or program which awarded the social work degree was accredited by, or a pre-accreditation program, of the ~~council on social work education~~ Council on Social Work Education (CSWE) at the time the applicant graduated from the program or school, or that a degree awarded by a foreign institution of higher learning has been determined by the CSWE to be equivalent to a program accredited by the CSWE. If the applicant's education was not received in English, the applicant must demonstrate proficiency in English by achieving a score of 550 (or 213 on the computer-based exam) or above on the test of English as a foreign language (TOEFL) or an equivalent score on an equivalent examination.

SECTION 2. MPSW 3.05 (2) is amended to read:

MPSW 3.05 (2) Verification that the school or program which awarded the social work degree was accredited by, or a pre-accreditation program, of the ~~council on social work education~~ Council on Social Work Education (CSWE) at the time the applicant graduated from the program or school, or that a degree awarded by a foreign institution of higher learning has been determined by the CSWE to be equivalent to a program accredited by the CSWE. If the applicant's education was not received in English, the applicant must demonstrate proficiency in English by achieving a score of 550 (or 213 on the computer-based exam) or above on the Test Of English as a Foreign Language (TOEFL) or an equivalent score on an equivalent examination.

SECTION 3. MPSW 3.07 (2) is amended to read:

MPSW 3.07 (2) Verification that the school or program which awarded the social work degree was accredited by, or a pre-accreditation program, of the ~~council on social work education~~ Council on Social Work Education (CSWE) at the time the applicant graduated from the program or school, or that a degree awarded by a foreign institution of higher learning has been determined by the CSWE to be equivalent to a program accredited by the CSWE. If the applicant's education was not received in English, the applicant must demonstrate proficiency in English by achieving a score of 550 (or 213 on the computer-based exam) or above on the Test Of English as a Foreign Language (TOEFL) or an equivalent score on an equivalent examination.

SECTION 4. MPSW 3.09 (2) is amended to read:

MPSW 3.09 (2) Verification that the school or program which awarded the social work degree was accredited by, or a pre-accreditation program, of the ~~council on social work education~~ Council on Social Work Education (CSWE) at the time the applicant graduated from the program or school, or that a degree awarded by a foreign institution of higher learning has been determined by the CSWE to be equivalent to a program accredited by the CSWE. If the applicant's education was not received in English, the applicant must demonstrate proficiency in English by achieving a score of 550 (or 213 on the computer-based exam) or above on the Test Of English as a Foreign Language (TOEFL) or an equivalent score on an equivalent examination.

SECTION 5. MPSW 11.01 (1) (b) is amended to read:

MPSW 11.01 (1) (b) Verification that the institution which awarded the degree was a regionally accredited college or university, or accredited by the commission for accreditation of counseling and related educational programs (CACREP), or the council on rehabilitation education at the time the applicant graduated from the school, or that a degree awarded by a foreign institution of higher learning has been determined by the National Board for Certified Counselors (NBCC) or by another organization approved by the section to be equivalent to a degree from a program accredited by CACREP. If the applicant's education was not received in English, the applicant must demonstrate proficiency in English by achieving a score of 550 (or 213 on the computer-based exam) or above on the Test Of English as a Foreign Language (TOEFL) or an equivalent score on an equivalent examination.

SECTION 6. MPSW 11.01 (1) (a) 3. is amended to read:

MPSW 16.01 (1) (a) 3. An applicant who has a master's or doctoral degree in marriage and family therapy from a program which was not accredited by the commission on accreditation for marriage and family therapy education (COAMFTE) of the American association for marriage and family therapy must submit satisfactory evidence of having completed education equivalent to a master's or doctoral degree in marriage and family therapy from a program accredited by the commission on accreditation for marriage and family therapy education of the American association for

marriage and family therapy, pursuant to s. MPSW 16.02, or that a degree awarded by a foreign institution of higher learning has been determined by an organization approved by the section to be equivalent to a degree from a program accredited by COAMFTE. If the applicant's education was not received in English, the applicant must demonstrate proficiency in English by achieving a score of 550 (or 213 on the computer-based exam) or above on the Test Of English as a Foreign Language (TOEFL) or an equivalent score on an equivalent examination.

(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.

Dated _____ Agency _____
Jennifer E. Borup, Chairperson
Marriage and Family Therapy, Professional
Counseling and Social Work Examining

FISCAL ESTIMATE

There will be no additional cost to the Department of Regulation and Licensing to certify these applicant social workers than for current applicants with degrees from schools in the United States that are accredited by the Council.

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), Wis. Stat.



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant 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 03-090

AN ORDER to amend MPSW 3.01 (2), 3.05 (2), 3.07 (2) and 3.09 (2), relating to the acceptance of foreign degrees which have been determined to be equivalent to a degree from an accredited school in the United States.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

09-23-2003 RECEIVED BY LEGISLATIVE COUNCIL.

10-21-2003 REPORT SENT TO AGENCY.

RNS:MO

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



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Skiansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 03-090

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 October 2002.]

1. Statutory Authority

Section 457.08 (1) (b), (2) (b), (3) (b) and (4) (b), Stats., require the social worker section of the board to grant a license or certificate to a person who, in addition to meeting other requirements, submits evidence of having one of the following: (1) a bachelor's or master's degree in social work from a program accredited by, or a preaccreditation program of, the Council on Social Work Education (CSWE); or (2) a doctorate degree in social work. The current rule reflects these two options while the proposed rule adds a third option -- a degree awarded by a foreign institution of higher learning that has been determined by the CSWE to be equivalent to a CSWE-accredited program. The board should explain the statutory authority for adding a third educational option when the statute lists only two options.

2. Form, Style and Placement in Administrative Code

a. The acronym CSWE should be defined either in a new s. MPSW 3.001 or in current s. MPSW 1.02. Parenthetical acronyms should be avoided in rules. [See s. 1.01 (6) and (8), Manual.]

b. Although there is a title "FISCAL ESTIMATE" following the rule, there is no text following the title. A fiscal estimate should be provided.

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

Should "social work" be inserted before "degree" in the new language?