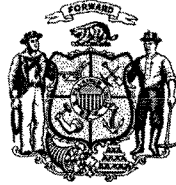


WISCONSIN STATE SENATE



Carol Roessler
STATE SENATOR

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

From: Senator Carol Roessler, Chair

Date: September 3, 2004

Re: Clearinghouse Rule 04-044 relating to alcohol and drug counseling and Clearinghouse Rule 03-098 relating to supervised pre-certification and pre-licensure social work.

CR 04-044 and CR 03-098 have been referred to the Senate Committee on Health, Children, Families, Aging and Long Term Care.

CR 04-044

- 2001 WI. Act 80 set out new requirements for the practice of alcohol or substance dependency or abuse by licensees of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board. This rule change implements the legislative mandate in 2001 WI. Act 80.

CR 03-098

- The changes help to clarify and avoid confusion concerning current rules addressing the issue of supervised practice requirements. Since the terms deleted by the proposed changes are addressed elsewhere in the rules, the changes merely provide for precision in the enunciating the rules.

If you would like the committee to hold a hearing on CR 04-044 or CR 03-098, please contact Jennifer Stegall in my office at 266-5300 before **September 10, 2004**.

**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 03-098)

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 supervised pre-certification and pre-licensure social work..

If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

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

IN THE MATTER OF RULE-MAKING PROCEEDINGS BEFORE THE MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING AND SOCIAL WORK EXAMINING BOARD	: : : : :	REPORT TO THE LEGISLATURE ON CLEARINGHOUSE RULE 03-098 [s. 227.19 (3), Stats.]
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I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS:

The department's current social worker application forms address pre-credential supervised practice requirements.

III. FISCAL ESTIMATES:

The Department of Regulation and Licensing will incur \$500 in costs to print and distribute the rule change.

IV. STATEMENT EXPLAINING NEED:

These minor changes simply help to clarify and avoid confusion concerning current rules addressing the issue of supervised practice requirements. Since the terms deleted by the proposed changes are addressed elsewhere in the rules, the changes merely provide for precision in the enunciating the rules.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on November 20, 2003.

No appearances were made and no written comments were submitted.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All comments and requirements provided by the Clearinghouse have been followed.

VII. OTHER CHANGES MADE:

No changes have been made except as suggested by the Clearinghouse.

VIII. 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. Stats.

MPSW 4.01 CR03-98 (Supervised Practice) Leg report 8-27-04.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 03-098)

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to amend MPSW 4.01 (3) (b) and (c), relating to supervised pre-certification and pre-licensure social work.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 5.08 (5) (b), 227.11 (2) and 457.03, Stats.

Statute interpreted: s. 457.08, Stats.

These minor changes simply help to clarify and avoid confusion concerning current rules addressing the issue of supervised practice requirements. Currently, section MPSW 4.01 (3) (b) and MPSW 4.01 (3) (c) contain overlapping and confusing language. The proposed changes would collect all references to planning in MPSW 4.01 (3) (b) and all references to implementation or intervention in MPSW 4.01 (3) (c). The proposed changes will have no effect on the actual performance of supervised practice.

A comparison of similar rules in adjacent states and federal statutes and rules.

Minnesota, Michigan, Iowa and Illinois have requirements similar to Wisconsin concerning supervised practice prior to certification of licensing. The federal government does not provide requirements for licensing of social workers by the individual states.

TEXT OF RULE

SECTION 1. MPSW 4.01 (3) (b) and (c) are amended to read:

MPSW 4.01 (3) (b) Developing plans or policies to alleviate those difficulties, and either carrying out the plan or referring individuals to other qualified resources for assistance;

(c) Intervention planning, which may include psychosocial evaluation and counseling of individuals, families and groups; advocacy; referral to community resources; and facilitation of organizational change to meet social needs.

(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 _____

Chairperson
Marriage and Family Therapy, Professional
Counseling and Social Work
Examining Board

FISCAL ESTIMATE

The Department of Regulation and Licensing will incur \$500 in costs to print and distribute the rule change.

PRIVATE SECTOR FISCAL IMPACT

The Department of Regulation and Licensing has determined that this rule has no significant fiscal effect on the private sector.

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. Stats.

MPSW 4.01 CR03-98 (Supervised practice-SW) Draft 08-27-04.doc



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 03-098

AN ORDER to amend MPSW 4.01, relating to supervised pre-certification and pre-licensure social work.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

09-30-2003 RECEIVED BY LEGISLATIVE COUNCIL.

10-28-2003 REPORT SENT TO AGENCY.

RNS:AS

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

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CLEARINGHOUSE RULE 03-098

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.]

2. Form, Style and Placement in Administrative Code

- a. The analysis of the rule does not describe the effect of the proposal in a meaningful way. It would be helpful to know why the change is being proposed or how the change will affect the activities required during the period of supervised practice.
- b. The treatment clause of SECTION 1 should state that s. MPSW 4.01 (3) (b) and (c) are amended, since the introductory paragraph and par. (a) are not amended. Only the affected subunits should be shown.
- c. Although there is a title “FISCAL ESTIMATE” following the rule, there is no text following the title. A fiscal estimate should be provided.