



JOINT COMMITTEE FOR THE REVIEW OF ADMINISTRATIVE RULES

COMMITTEE CO-CHAIRS: SENATOR STEVE NASS AND REPRESENTATIVE JOAN BALLWEG

Clearinghouse Rule 14-057

Report to the Legislature
Clearinghouse Rule 14-057
The Joint Committee for Review of Administrative Rules

Produced pursuant to 227.19(6)(a), Stats.

Clearinghouse Rule 14-057, promulgated by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (MPSW Examining Board), modifies rules relating to qualifications for licensure of clinical social workers to eliminate the supervised practice requirement for 1,000 hours of face-to-face client contact to include Diagnostic and Statistical manual (DSM) diagnosis and treatment of individuals.

Description of Problem

At the request of Representative Joan Ballweg, the Joint Committee for Review of Administrative Rules (JCRAR) held a public hearing on Clearinghouse Rule 14-057, relating to social worker credentials of the MPSW Examining Board, on June 2, 2016. The National Association of Social Workers Wisconsin Chapter raised concerns that with the proposed removal of requirements, supervised practice would no longer include DSM diagnosis and treatment of individuals.

Arguments In Favor of Objection

- *It is good public policy that client contact in supervised practice include DSM diagnosis and treatment. To ensure this information is part of a new social workers curriculum, it is important to maintain the requirement that clinical social worker practice include DSM diagnosis and treatment of individuals.*
- *Eliminating this test puts a burden on employers, including counties, to ensure that those hired are well-prepared and competent to represent their profession.*
- *DSM diagnosis is an integral part of training and is considered the industry gold standard for training.*

Arguments Against Objection

- *DSPS maintains that the MPSW Examining Board does not have statutory authority to impose the requirement that client contact includes DSM diagnosis and treatment of individuals.*
- *2013 Wisconsin Act 21 and Executive Order 50 reiterate agencies should not create or apply administrative regulations absent clear statutory authority.*

Action by Joint Committee for Review of Administrative Rules

On June 2, 2016, JCRAR held an executive session on Clearinghouse Rule 14-057. The committee passed the following motion on a 10-0 vote, partially objecting to the rule (YES: Ballweg, Nass, Knudson, Lasee, LeMahieu, Miller, Ringhand, J. Ott, Hebl, Spreitzer):

Moved, that the Joint Committee for Review of Administrative Rules, pursuant to s. 227.19 (5) (d), Stats., object in part to Clearinghouse Rule 14-057, a permanent rule proposed by the Marriage and Family Therapy, Counseling, and Social Worker Examining Board, relating to social worker credentials, on the grounds that the amendment of s. MPSW 3.09 (3) to remove the phrase “and including DSM diagnosis and treatment of individuals” and the amendment of s. MPSW 3.09 (3m) to remove the phrase “and also included DSM diagnosis and treatment of individuals,” could result in an emergency relating to public health, safety, or welfare.

On June 2, 2016, JCRAR voted 10-0 (YES: Ballweg, Nass, Knudson, Lasee, LeMahieu, Miller, Ringhand, J. Ott, Hebl, Spreitzer) to introduce LRB 4931 and LRB 4946, which provides statutory authority for MPSW to require that the 1,000 hours of face-to-face client contact include DSM diagnosis and treatment of individuals.

On January 11, 2017, JCRAR voted 10-0 (YES: Ballweg, Nass, LeMahieu, Stroebel, Larson, Wirch, Neylon, J. Ott, Hebl, Anderson) to introduce LRB 1238/2 and LRB 0953/2, which provides statutory authority for MPSW to require that the 1,000 hours of face-to-face client contact include DSM diagnosis and treatment of individuals. The bills were introduced as Senate Bill 5 and Assembly Bill 29 in the 2017-18 legislative session.

Passage of one of these bill in support of the JCRAR objection would permanently remove the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board’s (MPSW Examining Board) ability to promulgate parts of Clearinghouse Rule 14-057, and provide the necessary statutory authority to continue requiring that the supervised experience include DSM diagnosis and treatment of individuals.