



---

---

## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

---

---

**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

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

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

### CLEARINGHOUSE RULE 02-105

#### 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.]**

#### 1. Statutory Authority

In s. SFC 6.02, a certified advanced practice social worker may engage in psychotherapeutic activities only under the supervision of a person authorized by the board or by the Department of Health and Family Services to supervise the practice of clinical social work; however, s. 457.035 (2), Stats., specifies a different list of individuals [listed under s. 457.08 (4) (c) 1., 2., 3., and 4., Stats.] who are authorized to supervise a certified advanced practice social worker who engages in psychotherapy. This same problem occurs in s. SFC 6.03 for independent social workers who engage in psychotherapeutic activities. Why does the rule fail to incorporate the provisions of s. 457.08 (4) (c), Stats.?

#### 2. Form, Style and Placement in Administrative Code

a. In the statement of statutes interpreted in the analysis, the phrase “repealed and recreated” should be replaced by the word “affected.”

b. In the analysis, the citation in the explanation of SECTION 57 should read: “s. SFC 16.04.”

c. The treatment clause of SECTION 7 states that s. SFC 1.07 (intro.) is amended. However, the text of the rule shows no amendment to the introduction. Is it intended that the word “certificate” be replaced by the word “credential”?

d. It appears that the text following s. SFC 1.11 (intro.) is missing from the rule.

e. In s. SFC 4.01, if the note is renumbered s. SFC 4.01 (2), then the current s. SFC 4.01 (2) should be repealed or renumbered. The best method is to repeal the note and then repeal and recreate s. SFC 4.01 (2). Next, SECTION 29 renumbers s. SFC 4.01 (1) (a) as s. SFC 4.01 (3). However, the text of the rule does not treat current s. SFC 4.01 (3). Finally, the treatment clause of SECTION 30 should read: “s. SFC 4.01 (1) (b) is repealed.”

f. In s. SFC 8.02 (5), the phrase “as a result of the nonstatutory provisions of Act 80” should be deleted and the phrase “will be required” should be replaced with “shall.”

g. In the SFC 11 chapter title, “Certification” should be replaced with “Licensure.” A similar problem occurs in the title of chs. SFC 16 and 17.

h. Since s. SFC 12.01 is repealed and recreated in SECTION 50, the treatments of s. SFC 12.01 in SECTIONS 48 and 49 are unnecessary and should be deleted from the text of the rule. The same comment applies to SECTION 51 of the rule which repeals s. SFC 12.02 (2) (a); that is, SECTION 51 should be deleted because of the treatment of s. SFC 12.02 (2) in SECTION 52. Finally, in s. SFC 12.01, the introduction should be renumbered as sub. (1); the remaining subsections should be renumbered accordingly; and in the first sentence of the newly renumbered sub. (1), it appears that the word “certificate” should be replaced by the word “license.”

i. In s. SFC 16.01 (2) (a), it appears that the notation “MPS” should be replaced by the notation “SFC.”

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

a. In the treatment clause for s. SFC 8.02, the comma between (1) and (b) should be replaced by “, and.”

b. In s. SFC 8.02 (1), the rule should specify how a certified or licensed person should verify compliance as part of his or her application.

c. In s. SFC 8.02 (1) (b), how is the regulatory digest obtained?

d. In s. SFC 10.01 (4), the apostrophe in “cognition’s” should be deleted.

e. Section SFC 12.02 (2) (f) provides that supervision of a period of supervised practice of professional counseling may be exercised by an individual who is approved in advanced by the professional counselor section. This format is repeated in other provisions of the rule. By what process will individuals be approved in advance for supervision? This should be explained in the rule, possibly in a note.

f. In s. SFC 17.03, it would be helpful to include a note explaining how the application form can be obtained from the department. [See s. 227.14 (3), Stats.]