



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 08-089

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

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

a. The following comments pertain to the rule analysis:

(1) The first paragraph states that the social worker section (of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board) is amending its rules to permit consideration of clinical social work practice hours accrued out-of-state. However, under s. MPSW 1.03 (1), it is the examining board, not the section, that approves and adopts rules proposed by a section of the board. The analysis should reflect that these are rules of the board that have been recommended by the social worker section.

(2) Also, in the first paragraph, an explanation should be given for why “the section cannot consider those [clinical social work practice] hours that were accrued out-of-state.” Section MPSW 3.09 (3) does not specifically refer to in-state or out-of-state training, so it is not obvious to the reader why the section cannot consider the out-of-state hours. Is it because the provision requires that the applicant’s social work practice must be “under the supervision of a supervisor approved by the social worker section”

and such approval is only available to an in-state supervisor? Note comment b. (2), below, on this point.

(3) The word “must” should be inserted before “be completed” in the third paragraph.

(4) The description of SECTION 1 appears to be misstated, because it reads as if there is a requirement, to which an exception is being made, that applicants obtain their practice in another state. Also, an explanation should be provided for the change in terminology from “pre-certification” to “pre-licensed.”

(5) In the description of SECTION 2, what is meant by “sufficiently clinical in nature”?

b. The following comments pertain to s. MPSW 3.09 (3) and (7):

(1) These two subsections pertain to applicants with the same degree and certification requirements and diagnosis and treatment experience, with the primary difference being that the applicants in sub. (3) received their clinical training in Wisconsin while the applicants in sub. (7) received their training elsewhere. Organizationally, it may be preferable either to combine the two provisions into sub. (3), or place the provisions relating to those trained out-of-state in a sub. (3m), rather than in sub. (7), for proximity to sub. (3). If combined, there could be introductory language with the degree, certification, and diagnosis and treatment experience language, and then two paragraphs, the first (par. (a)) with the requirements for those trained in-state and the second (par. (b)) with the requirements for those trained elsewhere. Regardless of whether the two provisions are combined, the questions below should be addressed.

(2) As noted regarding the analysis, sub. (3) does not explicitly state that it pertains only to applicants whose social work practice time was in Wisconsin. In SECTION 1, language should be added clarifying that the provision pertains just to practice time in Wisconsin, to distinguish it from the language created in sub. (7).

(3) Subsection (3) provides that the 3,000 hours of clinical social work practice must have been completed *in no less than 2 years*. Should sub. (7) contain the same minimum time period?

(4) Subsection (3) also provides that the clinical practice time for in-state practice must be completed under the supervision of a supervisor “approved by the social worker section.” Subsection

(7) uses the phrase “acceptable to the social worker section.” Are the differing terms intended and if so, what is the difference between the two? What goes into the analysis of whether a supervisor is “acceptable” and how will that be determined if the supervisor is in another state?

(5) Is it the rule’s intent to limit the non-Wisconsin practice time to time “in another state,” as sub. (7) currently provides, or are there circumstances in which practice time in another country would also count? The question is raised because s. MPSW 3.09 (2) provides for recognition of academic degrees awarded by a foreign institution and s. MPSW 3.09 (5) refers to verification of the applicant’s credentials “in all jurisdictions in which the applicant has ever been credentialed,” which could include foreign jurisdictions. If the intent is to include practice time in another country, the phrase “in another state” should be changed to “outside of Wisconsin” and language added, if needed, to specify circumstances in which practice time outside the country would qualify.

(6) In sub. (7), on line 2, “their” should be changed to “the applicant’s.”

c. In s. MPSW 3.13 (3) (a), the word “a” should be eliminated on the last line, if “accredited” is intended to modify “university” as well as “college”. Also, what is meant by an internship being “under the auspices of” a college or university? Does it mean that the supervisor must be on the staff of the institution or that the internship is sponsored or supervised by the institution? Note that the language in current sub. (3) (a) is one very long, run-on sentence, which could be broken up as long as the provision is being amended.