



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 13-117

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 November 2011.]

2. Form, Style and Placement in Administrative Code

a. In s. MPSW 19.02 (1), “is required to” should be changed to “shall”. [s. 1.01 (2), Manual.]

b. It appears that the rule is lacking significant elements of the existing continuing education requirement framework currently found in the chapters that it repeals, such as: (1) the requirement that a credential holder who fails to complete the required continuing education requirements cease using the applicable title and practicing as a credentialed professional [currently set forth in ss. MPSW 8.02 (4), 14.03 (2), and 19.01 (2)]; (2) the requirement that a credential holder verify compliance with continuing education requirements as part of his or her application for credential renewal [currently set forth in ss. MPSW 8.02 (1) (intro), 14.03 (6), and 19.01 (6)]; and (3) delineation of the continuing education requirements that apply to credential applicants from other states [currently set forth in ss. MPSW 8.02 (6), 14.03 (4) and 19.01 (4)]. Should these elements be included in the proposed rule?

c. In s. MPSW 19.03 (2) (a), it appears that a period should be inserted after the second appearance of the term “continuing education”, and “or”, immediately following that phrase, should be deleted.

d. In s. MPSW 19.03 (1) (f), the phrase “an organization identified in” should be inserted before the phrase “paragraphs (a) through (e)”.

e. The entire rule should be reviewed and modified as necessary to ensure consistent use of the term “continuing education credit hour”.

4. Adequacy of References to Related Statutes, Rules and Forms

The statutory citation in s. MPSW 19.02 (1) should be written as follows: “s. 19.04, Stats.”. [s. 1.07 (2), Manual.]

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

a. In s. MPSW 19.02 (2) (a), more guidance should be provided regarding the requirements that apply if a marriage and family therapist holds multiple credentials. For example, if an individual is credentialed as a marriage and family therapist and also holds a credential as a social worker, is he or she prohibited from taking all four ethics credit hours in classes related to marriage and family therapy? In this situation, must he or she take any ethics classes related to the practice of marriage and family therapy? In addition, the provision would be clearer if the sentence were rewritten so that the subject of the sentence was the therapist rather than the credit hours.

b. In s. MPSW 19.02 (3), it appears that the intent is for a “full 2 year period” to coincide with the calendar year or some specific portion of the calendar year. This should be explicitly explained in the rule. For guidance, see existing s. MPSW 8.02 (1) (intro.).

c. In s. MPSW 19.02 (4) (intro.), it appears that “may” should be changed to “shall”. In addition, to provide consistency with the rest of the rule, the terms “acquired”, in s. MPSW 19.02 (4) (intro.), and “obtained”, in s. MPSW 19.02 (4) (b), should be changed to “completed”.

d. Section MPSW 19.02 (4) (b) makes reference to a situation in which a credential holder who failed to meet the continuing education requirements during a two-year credential period completes continuing education hours during the succeeding period in order to make up the deficit. The rule should state explicitly whether this practice is allowed, and if so, the circumstances and procedures under which it may be allowed.

e. How is it to be determined, in s. MPSW 19.03 (1) (intro.) and (2) (intro.), whether a continuing education program or professional activity is “relevant to” the professional practice of marriage and family therapy, professional counseling, or social work? It appears that the rule should provide more guidance as to what subject matter it considers to be relevant, as is currently provided in s. MPSW 8.03 (1). Is there any procedure under which a credential holder may know in advance whether a program is considered by the board to be relevant? Is there any procedure for appealing this determination by the board?

f. Section MPSW 19.03 (1) (intro.), should be rewritten to specify that credential holders must take continuing education programs that are relevant to the profession for which they are credentialed.

g. It appears that s. MPSW 19.03 (2) (intro.) should be rewritten to specify that continuing education hours may be awarded to a credential holder only for professional activities that are relevant to the profession for which they are credentialed.

h. The rule should identify the types of “professional materials”, the development of which a credential holder may receive continuing education credit for under s. MPSW 19.03 (2) (a) (intro.). In addition, it appears that the rule should clarify that one credit hour will be granted for each hour of continuing education material developed, rather than for each hour spent developing material.