



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Jessica Karls-Ruplinger
Legislative Council Acting Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 18-098

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 December 2014.]

1. Statutory Authority

In the rule summary’s explanation of agency authority, it appears that the description of s. 457.02 (5m), Stats., should be updated to reflect the current language. Also, consider explaining the board’s authority to allow a person who is certified by the board under that provision to use certain titles. A different statute, s. 440.88 (5), Stats., specifies that only specific department-certified counselors may represent themselves as a substance abuse counselor or use a title or description that conveys that impression. Could the titles allowed under s. MPSW 1.09 (1) (a) be considered as conveying that impression for a person certified by the board rather than by the department? Consider either revising the allowable titles to more closely align to the phrasing in s. 457.02 (5m), Stats., such as “substance use disorder specialist”, or explaining how the titles can be differentiated from the titles allowed in s. 440.88 (5), Stats., for a department-certified counselor.

2. Form, Style and Placement in Administrative Code

a. Consider placing the new rule section that is created in the proposed rule within ch. MPSW 6, rather than within ch. MPSW 1. The subject matter and provisions appear to fit better in the context of ch. MPSW 6, relating to authorized social worker practice, rather than ch. MPSW 1, relating to general application and examination procedures.

b. A title should be inserted for s. MPSW 1.09, such as “Substance use disorder specialty”. [s. 1.05 (2) (b), Manual.]

c. In s. MPSW 1.09 (3) (intro.), the abbreviation “ss.” should be revised to “s.”. The list of statutes is in the disjunctive (“or”), and is therefore treated as a singular reference.

d. In the rule summary’s analysis and supporting documents used to determine the effect on small business, an entry should be inserted.

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

a. In s. MPSW (1) (a), a comma should be inserted after the citation to “Stats.”.

b. In s. MPSW 1.09 (1), consider revising pars. (b) and (c) to better identify any distinction between the two paragraphs. Is the authorization under par. (c) to prepare and continue working with a client intended to be in addition to the authorization in par. (b) to “treat” substance use disorder?

c. In s. MPSW 1.09 (1) (c) 1., what is meant by “prepare... by referral”? Does this mean that the practitioner may prepare a client for treatment that is provided by another practitioner? Or that a practitioner may refer a client for treatment and prepare the client for that treatment? Consider revising this provision to clearly identify the intended authorization.

d. In s. MPSW 1.09 (1) (c) 2. and 3., both instances of the phrase “continue to” are used in reference to the authority of an individual who has been certified by the board to work with, or treat, an individual for substance use disorder. This language may be ambiguous in some cases. Is it intended to apply when the treatment is first initiated? It could be clearer if the words “continue to” are removed, so that the provisions begin with “Work” and “Treat”.

e. In s. MPSW 1.09 (2) (intro.), it appears that a comma should be inserted after the word “specialty”.

f. In s. MPSW 1.09 (2) (a) (intro.), consider revising the word “in” to the word “of”.

g. Both s. MPSW 1.09 (2) (b) and (3) (b) use the word “supervision”, but that term is not defined for purposes of ch. MPSW 1. Consider whether the definition in s. MPSW 2.01 (18), for that term, is appropriate, and whether the definition should be made to apply to the proposed rule. If the proposed rule is moved to another chapter within chs. MPSW 2 to 6, the current definition would apply unless a different definition is specified.

h. In s. MPSW 1.09 (3) (intro.), it appears that a comma should be inserted after the word “specialty”. Also, a comma should be inserted after the citation to “Stats.”.

i. In s. MPSW 1.09 (2) (a) 3., the words “Application to addiction practice” are used in reference to a required educational topic. This language may be ambiguous in some cases. What does “application” refer to in the context? Consider revising this provision to clearly identify the required topic.