

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

*Joint Committee for
Review of
Administrative Rules
(JCR-AR)*

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
- 97hr_JCR-AR_CRule_97-119
-
- Committee Hearings ... CH
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- Committee Reports ... CR
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- Executive Sessions ... ES
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- Hearing Records ... HR
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- Miscellaneous ... Misc
-
- Record of Comm. Proceedings ... RCP
-

97-119 SFC 11 & 14 - COUNSELLORS

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 97-119

AN ORDER to repeal SFC 1.05 (2) and (4); to amend SFC 14.01 (2) (intro.) and 14.02 (2); and to create SFC 11.035, relating to examination requirements and procedures, academic programs equivalent to master's and doctorate degrees in professional counseling, and temporary certificates for professional counselors.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

09-04-97 RECEIVED BY LEGISLATIVE COUNCIL.
09-29-97 REPORT SENT TO AGENCY.

RS:LR;jt;ksm

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

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CLEARINGHOUSE RULE 97-119

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 October 1994.]

2. Form, Style and Placement in Administrative Code

In s. SFC 14.01 (2) (intro.) and 14.02 (2), it would improve readability and clarity to separate course work requirements by semicolons.

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

In s. SFC 14.02 (2), it appears that the correct cross-reference is "s. SFC 14.01 (2)."

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

In s. SFC 11.035, the second and third sentences are not entirely clear. For example, in the second sentence, should the word "until" be inserted before the word "release"? If so, and if an applicant has passed an examination prior to the expiration of nine months from receipt of a temporary certificate, why should the effectiveness of the temporary certificate automatically cease? If the effectiveness of the temporary certificate ceases under that scenario, that result conflicts with the third sentence of s. SFC 11.035. A clearer way to express the second and third sentence is as follows:

The temporary certificate expires nine months after its issuance or upon notification of failure of passing the required examination under s. _____, whichever occurs earlier.

**STATE OF WISCONSIN
EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS**

**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF SOCIAL
EXAMINING BOARD OF SOCIAL : WORKERS, MARRIAGE AND FAMILY
WORKERS, MARRIAGE AND FAMILY : THERAPISTS AND PROFESSIONAL
THERAPISTS AND PROFESSIONAL : COUNSELORS ADOPTING RULES
COUNSELORS : (CLEARINGHOUSE RULE 97-119)**

TO: Senator Robert Welch, Senate Co-Chairperson
Joint Committee for the Review of Administrative Rules
1 East Main Street
Room 201
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS is submitting in final draft form proposed rules relating to examination requirements and procedures, academic programs equivalent to master's and doctorate degrees in professional counseling, and temporary certificates for professional counselors.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.



Tommy G. Thompson
Governor

Marlene A. Cummings
Secretary

1400 E. WASHINGTON AVENUE
P O BOX 8935
MADISON, WISCONSIN 53708-8935
(608) 266-2112

Administrative Rules in Final Draft Form

Professional Counselors Section

**Rule: SFC 11.035, SFC 14.01 (2) and
SFC 14.02 (2)**

**Relating to:
Exams, Academic Programs and
Temporary Certificates**

**Clearinghouse Rule:
No. 97-119**

Regulatory Boards

Accounting, Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, Auctioneer, Barbering and Cosmetology, Chiropractic, Dentistry, Dietitians, Funeral Directors, Hearing and Speech, Medical, Nursing, Nursing Home Administrator, Optometry, Pharmacy, Physical Therapists, Psychology, Real Estate, Real Estate Appraisers, Social Workers, Marriage and Family Therapists and Professional Counselors, and Veterinary.

**STATE OF WISCONSIN
EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS**

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE :
EXAMINING BOARD OF SOCIAL : **REPORT TO THE LEGISLATURE**
WORKERS, MARRIAGE AND : **ON CLEARINGHOUSE RULE 97-119**
FAMILY THERAPISTS AND : **(s. 227.19 (3), Stats.)**
PROFESSIONAL COUNSELORS :

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

These rules will have no significant impact upon state or local units of government.

IV. STATEMENT EXPLAINING NEED:

In this proposed rule-making order the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors repeals administrative rules relating to examination requirements and procedures, creates a temporary certificate issued to professional counselor applicants and amends the rules to specify the minimum credit hours for each required course for professional counselors. The proposed changes will ensure that the rules reflect clarity and streamline the application procedures. Currently temporary certificates are issued by policy and the Professional Counselors Section would like to define requirements for a professional counselor temporary certificate. And, also, the Professional Counselor Section proposes to revise the rules relating to the number of academic hours required to meet educational requirements.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on January 14, 1998. There were no appearances at the public hearing, nor were any written comments received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report were accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

STATE OF WISCONSIN
EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF SOCIAL
EXAMINING BOARD OF SOCIAL : WORKERS, MARRIAGE AND FAMILY
WORKERS, MARRIAGE AND FAMILY : THERAPISTS AND PROFESSIONAL
THERAPISTS AND PROFESSIONAL : COUNSELORS ADOPTING RULES
COUNSELORS : (CLEARINGHOUSE RULE 97-119)

PROPOSED ORDER

An order of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors to repeal SFC 1.05 (2) and (4); to amend SFC 14.01 (2) (intro.) and 14.02 (2); and to create SFC 11.035, relating to examination requirements and procedures, academic programs equivalent to master's and doctorate degrees in professional counseling, and temporary certificates for professional counselors.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 457.03, Stats.

Statutes interpreted: ss. 457.12 (2), 457.14 and 457.16, Stats.

In this proposed rule-making order the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors repeals administrative rules relating to examination requirements and procedures, creates a temporary certificate issued to professional counselor applicants and amends the rules to specify the minimum credit hours for each required course for professional counselors.

Section SFC 1.05 (2) and (4) are being repealed to delete the requirement of submitting a photograph to sit for the examination and the provision that the section chairperson or a proctor may announce examination protocol. Candidates now take computer adapted examinations and receive their instruction via computer.

Section SFC 11.035 is being created to allow professional counselor applicants who meet the appropriate educational and experience requirements to receive a temporary certificate. The certificate allows the certificate holder to use the title "professional counselor" prior to taking the examination. The temporary certificate expires upon notification of failure of the examination or expiration of the 9 month period, whichever comes first.

Sections SFC 14.01 (2) (intro.) and 14.02 (2) are being amended to specify the minimum number of credits candidates must have to fulfill the requirements for the professional counselor educational equivalency. The rules require that the candidate have at least 3 credit semester hours or 4 quarter hours academic credit in a supervised counseling practicum, a counseling theory course and 6 of the 8 professional counselor topic areas. The Professional Counselors Section believes that courses with less than the aforementioned hours do not contain the academic depth requirement necessary to grasp the concepts of professional counseling education. Current rule does not specify the minimum number of course hours.

TEXT OF RULE

SECTION 1. SFC 1.05 (2) and (4) are repealed.

SECTION 2. SFC 11.035 is created to read:

SFC 11.035 TEMPORARY CERTIFICATE. The section may issue a temporary certificate permitting the use of the title "professional counselor" to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the certificate except for passing the required examination. The temporary certificate expires 9 months after its issuance or upon notification of failure of passing the required examination under s. 457.12 (4), Stats., whichever occurs earlier. The temporary certificate may not be renewed.

SECTION 3. SFC 14.01 (2) (intro.) is amended to read:

SFC 14.01 (2) (intro.) The course work included successful completion of at least 3 semester hours or 4 quarter hours academic credit in a supervised counseling practicum;; a counseling theory course; and at least one course of at least 3 semester hours or 4 quarter hours academic credit in at least 6 of the following 8 topic areas; and the course work included a total of at least 42 semester hours or 63 quarter hours of academic credit in counseling related courses distributed among at least 6 of the following 8 topic areas:

SECTION 4. SFC 14.02 (2) is amended to read:

SFC 14.02 (2) The course work included successful completion of at least 3 semester hours or 4 quarter hours academic credit in a supervised counseling practicum;; a counseling theory course; and at least one course of at least 3 semester hours or 4 quarter hours academic credit in each of the 8 topic areas defined in s. SFC ~~12.01~~ 14.01 (2); and the course work included at least 48 semester hours of 72 quarter hours of academic credit distributed among those 8 counseling related topic areas.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Chairperson
Examining Board of Social Workers,
Marriage and Family Therapists and
Professional Counselors

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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6/3/98