

APR 05 2001

LCRC
FORM 2



**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 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 01-026

AN ORDER to repeal SFC 12.02 (2) (b); to amend SFC 7.01 (1) (intro.) and (a) and (3) and (4), 12.02 (2) (intro.) and (a) and (c) to (h), 13.01 (1) (a) 2., 3. and 4 and 20.02 (13); and to create SFC 14.01 (4), relating to conforming existing rules to present practices and to other rules.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

03-05-01 RECEIVED BY LEGISLATIVE COUNCIL.

03-30-01 REPORT SENT TO AGENCY.

RNS:REL;jal

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

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 01-)

PROPOSED ORDER

An order of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors to repeal SFC 12.02 (2) (b); to amend SFC 7.01 (1) (intro.), (a), (3) and (4), 12.02 (2) (intro.), (a) and (c) to (h), 13.01 (1), (a) 2., 3. and 4. and 20.02 (13); and to create SFC 14.01 (4), relating to conforming existing rules to present practices and to other rules.

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. 457.03 and 457.12 (2) and (3), Stats.

In this proposed rule-making order the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors replaces the reference to the National Academy of Certified Mental Health Counselors in ss. SFC 7.01 (1) and 13.01 (intro.) with the change in the name of a professional association, the National Board for Certified Counselors. The next change is offered to conform one rule to the list of acceptable supervisors in another section, s. SFC 12.02 (2) (d). Semi-colons are removed and periods are added in s. SFC 12.02 for better style. The outdated provision relating to acceptable supervisors is repealed. Another change is to incorporate an informal interpretation which has been used by the board in assessing course equivalency. A provision is added to s. SFC 14.01, to allow an applicant to take up to 12 credit hours of courses outside of his or her master's program, which may include a supervised counseling practicum, to reach course equivalency. And "providing psychotherapy" in s. SFC 20.02 (13) is removed as it may improperly limit its application.

There are no significant policy issues involved. The proposed changes are to conform the existing rules to present practices and to other rules.

TEXT OF RULE

SECTION 1. SFC 7.01 (1) (intro.) and (a), (3) and (4) are amended to read:

SFC 7.01 Psychotherapeutic social work. (1) (intro.) A certified advanced practice social worker, a certified independent social worker, or a certified independent clinical social worker may not engage in psychotherapeutic social work unless he or she has completed 3,000 hours of supervised clinical practice in accordance with sub. (2) after receiving a master's degree, consisting of a minimum of one hour per week of face-to-face supervision during the 3,000 hour period by a person qualified under par. (a), if he or she is listed in the national registry of health care providers in clinical social work, national ~~academy of board~~ for certified ~~mental health~~ counselors, the national register of health services providers in psychology, or national registry of the American board of examiners in clinical social work. Supervision of the 3,000 hour period of clinical practice may be performed by any of the following:

(a) A social worker with a master's or doctoral degree from a graduate school of social work accredited by the council on social worker education, or a registered nurse with a master's or doctoral degree in psychiatric-mental health nursing or community mental health nursing from a graduate school of nursing accredited by the national league for nursing, if the social worker or registered nurse performing the supervision has completed a 3,000 hour period of supervised clinical practice, is listed in the national registry of health care providers in clinical social work or national association of social workers registry of clinical social workers, national ~~academy of board~~ for certified ~~mental health~~ counselors, the national register of health services providers in psychology, or national registry of the American board of examiners in clinical social work.

(3) A certified independent clinical social worker may engage in the independent unsupervised practice of psychotherapeutic social work when he or she has completed the 3,000 hour supervised clinical practice period, or is listed in the national registry of health care providers in clinical social work or national association of social workers register of clinical social workers or national ~~academy of board~~ for certified ~~mental health~~ counselors or the national register of health services providers in psychology, or national registry of the American board of examiners in clinical social work.

(4) A certified advanced practice social worker or a certified independent social worker may engage in the practice of psychotherapeutic social work when he or she has completed the 3,000 hour supervised clinical practice period, or is listed in the national registry of health care providers in clinical social work or national association of social workers register of clinical social workers or national ~~academy of board~~ for certified ~~mental health~~ counselors or the national register of health services providers in psychology, or national registry of the American board of examiners in clinical social work, but may do so only under the supervision of a person meeting the qualifications of sub. (1) (a) or (b).

SECTION 2. SFC 12.02 (2) (intro.) and (a) are amended to read:

SFC 12.02 (2) (intro.) Supervision of a period of supervised practice of professional counseling may be exercised by any of the following:

(a) A certified professional counselor;

SECTION 3. SFC 12.02 (2) (b) is repealed.

SECTION 4. SFC 12.02 (2) (c) to (h) are amended to read:

SFC 12.02 (2) (c) A certified independent clinical social worker;

(d) A certified marriage and family therapist;

(e) A licensed physician who has completed a residency in psychiatry;

(f) A licensed psychologist who is listed or eligible to be listed in the national register of health services providers in psychology;

(g) A registered nurse with a master's degree in psychiatric mental health nursing or community mental health nursing from a graduate school of nursing accredited by the national league for nursing, and who is listed or eligible to be listed in the national register of health services providers in psychology;

(h) Another qualified professional approved by the professional counseling counselors section in advance of the supervision of the practice of professional counseling if the professional counselors section determines that supervision by a certified professional counselor is unobtainable or unreasonably restrictive of the delivery of professional counseling services to a particular population, or unduly interferes with training professional counselors in providing services to a particular population;

SECTION 5. SFC 13.01 (1) is amended to read:

SFC 13.01 (1) A certified professional counselor may engage in psychotherapy only if he or she has completed 3,000 hours of supervised clinical practice, which means a minimum of one hour per week of face-to-face supervision during the 3,000 hour period by a person qualified under par. (a), or is listed in the national registry of health care providers in clinical social work, or national association of social workers register of clinical social workers or national academy of board for certified mental health counselors or the national register of health services providers in psychology, or national registry of the American board of examiners in clinical social work.

SECTION 6. SFC 13.01 (1) (a) 2., 3. and 4. are amended to read:

SFC 13.01 (1) (a) 2. A professional counselor with a master's or doctoral degree from a college or university accredited by its regional accrediting association, the commission for accreditation of counseling and related educational programs, or the council on rehabilitation education, if the professional counselor performing the supervision has completed a 3,000 hour period of supervised clinical practice or is listed in the national registry of health care providers in clinical social work or national association of social workers register of clinical social workers or national ~~academy of board for certified mental health~~ counselors or the national register of health services providers in psychology, or national registry of the American board of examiners in clinical social work.

3. A social worker with a master's or doctoral degree from a graduate school of social work accredited by the council on social worker education, if the social worker performing the supervision has completed a 3,000 hour period of supervised clinical practice or is listed in the national registry of health care providers in clinical social work or national association of social workers register of clinical social workers or national ~~academy of board for certified mental health~~ counselors or the national register of health services providers in psychology, or national registry of the American board of examiners in clinical social work.

4. A registered nurse with a master's or doctoral degree in psychiatric-mental health nursing or community mental health nursing from a graduate school of nursing accredited by the national league for nursing, if the registered nurse performing the supervision has completed a 3,000 hour period of supervised clinical practice or is listed in the national registry of health care providers in clinical social work or national association of social workers registry of clinical social workers or national ~~academy of board for certified mental health~~ counselors or the national register of health services providers in psychology, or national registry of the American board of examiners in clinical social work.

SECTION 7. SFC 14.01 (4) is created to read: 

SFC 14.01 (4) To reach course equivalency, an applicant may take up to 12 credit hours of courses, which may include a supervised counseling practicum, outside of his or her master's program.

SECTION 8. SFC 20.02 (13) is amended to read:

SFC 20.02 (13) Failing to avoid dual relationships or relationships that may impair the credentialed person's objectivity or create a conflict of interest. Dual relationships prohibited to credentialed persons ~~providing psychotherapy~~ include the credentialed person treating the credentialed person's employers, employees, supervisors, supervisees, close friends or relatives, and any other person with whom the credentialed person shares any important continuing relationship.

(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 a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

g:\rules\sfc9.doc
3/1/01

**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
WORKERS, MARRIAGE AND : FAMILY THERAPISTS AND
FAMILY THERAPISTS AND : PROFESSIONAL COUNSELORS
PROFESSIONAL COUNSELORS : ADOPTING RULES
: (CLEARINGHOUSE RULE 01-026**

TO: Senator Judy Robson, Senate Co-Chairperson
Joint Committee for the Review of Administrative Rules
Room 15 South, State Capitol
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 rules relating to conforming existing rules to present practices and to other rules.

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.

**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 01-026**
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 rule-making order the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors replaces the reference to the National Academy of Certified Mental Health Counselors in ss. SFC 7.01 (1) and 13.01 (1) with the change in the name of a professional association, the National Board for Certified Counselors. Semi-colons are removed and periods are added in s. SFC 12.02 for better style. An outdated provision relating to acceptable supervisors is repealed and marriage and family therapists are removed as supervisors. A provision is added to s. SFC 14.01, to allow an applicant to take up to 12 credit hours of courses outside of his or her master's program, which may include a supervised counseling practicum, to reach course equivalency. And "providing psychotherapy" in s. SFC 20.02 (13) is removed so that the prohibition applies to all certified persons regardless of whether they are practicing psychotherapy.

There are no significant policy issues involved. The proposed changes are to conform the existing rules to present practices and to other rules.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on May 22, 2001. There were no appearances at the public hearing nor were any written comments received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

There were no recommendations suggested in the Clearinghouse Report.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

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

g:\rules\sfc9leg.doc
7/25/01

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 01-026)

PROPOSED ORDER

An order of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors to repeal SFC 12.02 (2) (b) and (d); to amend SFC 7.01 (1) (intro.), (a), (3) and (4), 12.02 (2) (intro.), (a), (c) and (e) to (h), 13.01 (1), (a) 2., 3. and 4. and 20.02 (13); and to create SFC 14.01 (4), relating to conforming existing rules to present practices and to other rules.

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. 457.03 and 457.12 (2) and (3), Stats.

In this rule-making order the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors replaces the reference to the National Academy of Certified Mental Health Counselors in ss. SFC 7.01 (1) and 13.01 (1) with the change in the name of a professional association, the National Board for Certified Counselors. Semi-colons are removed and periods are added in s. SFC 12.02 for better style. An outdated provision relating to acceptable supervisors is repealed and marriage and family therapists are removed as supervisor. A provision is added to s. SFC 14.01, to allow an applicant to take up to 12 credit hours of courses outside of his or her master's program, which may include a supervised counseling practicum, to reach course equivalency. And "providing psychotherapy" in s. SFC 20.02 (13) is removed so that the prohibition applies to all certified persons.

There are no significant policy issues involved. The proposed changes are to conform the existing rules to present practices and to other rules.

TEXT OF RULE

SECTION 1. SFC 7.01 (1) (intro.) and (a), (3) and (4) are amended to read:

SFC 7.01 Psychotherapeutic social work. (1) (intro.) A certified advanced practice social worker, a certified independent social worker, or a certified independent clinical social worker may not engage in psychotherapeutic social work unless he or she has completed 3,000 hours of supervised clinical practice in accordance with sub. (2) after receiving a master's degree, consisting of a minimum of one hour per week of face-to-face supervision during the 3,000 hour period by a person qualified under par. (a), if he or she is listed in the national registry of health care providers in clinical social work, national ~~academy of board for certified mental health~~ counselors, the national register of health services providers in psychology, or national registry of the American board of examiners in clinical social work. Supervision of the 3,000 hour period of clinical practice may be performed by any of the following:

(a) A social worker with a master's or doctoral degree from a graduate school of social work accredited by the council on social worker education, or a registered nurse with a master's or doctoral degree in psychiatric-mental health nursing or community mental health nursing from a graduate school of nursing accredited by the national league for nursing, if the social worker or registered nurse performing the supervision has completed a 3,000 hour period of supervised clinical practice, is listed in the national registry of health care providers in clinical social work or national association of social workers register of clinical social workers, national ~~academy of board for certified mental health~~ counselors, the national register of health services providers in psychology, or national registry of the American board of examiners in clinical social work.

(3) A certified independent clinical social worker may engage in the independent unsupervised practice of psychotherapeutic social work when he or she has completed the 3,000 hour supervised clinical practice period, or is listed in the national registry of health care providers in clinical social work or national association of social workers register of clinical social workers or national ~~academy of board for certified mental health~~ counselors or the national register of health services providers in psychology, or national registry of the American board of examiners in clinical social work.

(4) A certified advanced practice social worker or a certified independent social worker may engage in the practice of psychotherapeutic social work when he or she has completed the 3,000 hour supervised clinical practice period, or is listed in the national registry of health care providers in clinical social work or national association of social workers register of clinical social workers or national ~~academy of board for certified mental health~~ counselors or the national register of health services providers in psychology, or national registry of the American board of examiners in clinical social work, but may do so only under the supervision of a person meeting the qualifications of sub. (1) (a) or (b).

SECTION 2. SFC 12.02 (2) (intro.) and (a) are amended to read:

SFC 12.02 (2) (intro.) Supervision of a period of supervised practice of professional counseling may be exercised by any of the following:

(a) A certified professional counselor;

SECTION 3. SFC 12.02 (2) (b) and (d) are repealed.

SECTION 4. SFC 12.02 (2) (c) and (e) to (h) are amended to read:

SFC 12.02 (2) (c) A certified independent clinical social worker;

(e) A licensed physician who has completed a residency in psychiatry;

(f) A licensed psychologist who is listed or eligible to be listed in the national register of health services providers in psychology;

(g) A registered nurse with a master's degree in psychiatric mental health nursing or community mental health nursing from a graduate school of nursing accredited by the national league for nursing, and who is listed or eligible to be listed in the national register of health services providers in psychology;

(h) Another qualified professional approved by the professional ~~counseling~~ counselors section in advance of the supervision of the practice of professional counseling if the professional counselors section determines that supervision by a certified professional counselor is unobtainable or unreasonably restrictive of the delivery of professional counseling services to a particular population, or unduly interferes with training professional counselors in providing services to a particular population.

SECTION 5. SFC 13.01 (1) is amended to read:

SFC 13.01 (1) A certified professional counselor may engage in psychotherapy only if he or she has completed 3,000 hours of supervised clinical practice, which means a minimum of one hour per week of face-to-face supervision during the 3,000 hour period by a person qualified under par. (a), or is listed in the national registry of health care providers in clinical social work, or national association of social workers register of clinical social workers or national ~~academy~~ of board for certified mental health counselors or the national register of health services providers in psychology, or national registry of the American board of examiners in clinical social work.

SECTION 6. SFC 13.01 (1) (a) 2., 3. and 4. are amended to read:

SFC 13.01 (1) (a) 2. A professional counselor with a master's or doctoral degree from a college or university accredited by its regional accrediting association, the commission for accreditation of counseling and related educational programs, or the council on rehabilitation education, if the professional counselor performing the supervision has completed a 3,000 hour period of supervised clinical practice or is listed in the national registry of health care providers in clinical social work or national association of social workers register of clinical social workers or national ~~academy of board for certified mental health~~ counselors or the national register of health services providers in psychology, or national registry of the American board of examiners in clinical social work.

3. A social worker with a master's or doctoral degree from a graduate school of social work accredited by the council on social worker education, if the social worker performing the supervision has completed a 3,000 hour period of supervised clinical practice or is listed in the national registry of health care providers in clinical social work or national association of social workers register of clinical social workers or national ~~academy of board for certified mental health~~ counselors or the national register of health services providers in psychology, or national registry of the American board of examiners in clinical social work.

4. A registered nurse with a master's or doctoral degree in psychiatric-mental health nursing or community mental health nursing from a graduate school of nursing accredited by the national league for nursing, if the registered nurse performing the supervision has completed a 3,000 hour period of supervised clinical practice or is listed in the national registry of health care providers in clinical social work or national association of social workers register of clinical social workers or national ~~academy of board for certified mental health~~ counselors or the national register of health services providers in psychology, or national registry of the American board of examiners in clinical social work.

SECTION 7. SFC 14.01 (4) is created to read:

SFC 14.01 (4) To reach course equivalency, an applicant may take up to 12 credit hours of courses, which may include a supervised counseling practicum, outside of his or her master's program.

SECTION 8. SFC 20.02 (13) is amended to read:

SFC 20.02 (13) Failing to avoid dual relationships or relationships that may impair the credentialed person's objectivity or create a conflict of interest. Dual relationships prohibited to credentialed persons ~~providing psychotherapy~~ include the credentialed person treating the credentialed person's employers, employes, supervisors, supervisees, close friends or relatives, and any other person with whom the credentialed person shares any important continuing relationship.

(END OF TEXT OF RULE)
