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# JOINT COMMITTEE FOR THE REVIEW OF ADMINISTRATIVE RULES

COMMITTEE CO-CHAIRS: SENATOR STEVE NASS AND REPRESENTATIVE JOAN BALLWEG

Clearinghouse Rule 15-082

## **Report to the Legislature Clearinghouse Rule 15-082 The Joint Committee for Review of Administrative Rules**

Produced pursuant to 227.19(6)(a), Stats.

Clearinghouse Rule 15-082, promulgated by the Wisconsin Department of Safety and Professional Services (DSPS), creates rules that eliminate the requirement that new applicants for a social work license or certification review applicable Wisconsin laws and take an open book, on-line examination to demonstrate that they have read the law.

### **Description of Problem**

At the request of Representative Joan Ballweg, the Joint Committee for Review of Administrative Rules (JCRAR) held a public hearing on Clearinghouse Rule 15-082, relating to the rules, application, exam and renewal procedures of the Marriage and Family Therapy, Counseling, and Social Worker Examining Board (MPSW), on March 3, 2016. The National Association of Social Workers Wisconsin Chapter raised concerns with the elimination of the exam, explaining the removal of such an exam would leave Wisconsin social workers without important training in the specifics of state law on their field.

### **Arguments In Favor of Objection**

- *The state jurisprudence exam ensures that new certified social workers have a basic knowledge of laws affecting the practice of social work in such critical areas as investigation of allegations of child abuse and neglect, elderly abuse, mental health law, alcohol and drug abuse law, laws affecting juveniles, the state conduct code, and other matters.*
- *Eliminating this test puts a burden on employers, including counties, to ensure that those hired are well-prepared and competent to represent their profession.*

### **Arguments Against Objection**

- *DSPS maintains they do not have statutory authority to administer multiple exams.*
- *2013 Wisconsin Act 21 and Executive Order 50 reiterate agencies should not create or apply administrative regulations absent clear statutory authority.*

## **Action by Joint Committee for Review of Administrative Rules**

On March 3, 2016, the Joint Committee for Review of Administrative Rules held an executive session on Clearinghouse Rule 15-082. The committee passed the following motion on a 10-0 vote, partially objecting to the rule (YES: Nass, Ballweg, Knudson, Lasee, LeMahieu, Miller, Harris Dodd, J. Ott, Hebl, Spreitzer):

*Moved, that the Joint Committee for Review of Administrative Rules, pursuant to s. 227.19 (5) (d), Stats., object to the repeal of MPSW 1.05 (3) as well as treatments prescribed by sections six through 10 of Clearinghouse Rule 15-082, a permanent rule proposed by the Department of Safety and Professional Services, relating to rules, application, exam, and renewal procedures, on the grounds that altering the testing requirements could result in an emergency relating to public health, safety, or welfare.*

On March 31, 2016, the Joint Committee for Review of Administrative Rules voted 9-0 (YES: Nass, Ballweg, Lasee, LeMahieu, Miller, Ringhand, Knudson, Hebl, Spreitzer; NO: none) to introduce LRB 4841 and LRB 4855, which provides statutory authority for DSPS to administer one or more examinations approved by the social worker section to determine minimum competence to practice as an independent social worker. The bills were introduced as Senate Bill 797 and Assembly Bill 1024.

Passage of one of these bill in support of the JCRAR objection would permanently remove DSPS's ability to promulgate Clearinghouse Rule 15-082, and provide the necessary statutory authority to continue administering the state's jurisprudence social worker exam.