



# DUEY STROEBEL

STATE SENATOR • 20<sup>TH</sup> DISTRICT

## Senate Bill 568

Thank you colleagues of the Senate Committee on Government Operations and Consumer Protection for considering my testimony in favor of Senate Bill 568. SB 568 shrinks government without altering the underlying law or diminishing the quality or scope of health and safety regulation. The bill eliminates some boards and transfers their decision making to the Department of Safety and Professional Services. The bill also consolidates several other boards and councils in areas where professions are similar. In total, SB 568 eliminates 17 boards and 106 board members.

SB 568 authorizes the Governor to remove a member of any board or council for excessive absenteeism, neglect of duties, conviction of a crime, or unprofessional conduct. Finally, SB 568 removes the annual meeting requirements for boards and councils.

It is also important to state what SB 568 does not do. It does not alter any practice act, change the underlying law relating to any regulated profession or take away any responsibilities of newly consolidated boards. This bill is about finding efficiencies in the clerical and administrative functions of government.

DSPS, who will be testifying later in favor, estimates some modest GPR savings if this bill were passed. That number does not include other savings associated with having fewer boards, such as the cost to the executive and legislative branches of vetting, appointing, and confirming 106 additional board members.

Of the councils to be eliminated or consolidated, many slots are currently vacant or only being filled by appointees whose term has expired. DSPS can speak to examples of current board membership composition, meeting histories, and the type of business, or lack thereof, conducted at these meetings.

Wisconsin has a history of involvement of professions in their regulation. SB 568 maintains such involvement while trimming superfluous councils and members to operate more nimbly and at a lower cost to Wisconsin taxpayers. Thank you.



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# TYLER VORPAGEL

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STATE REPRESENTATIVE • 27<sup>TH</sup> ASSEMBLY DISTRICT

Senate Bill 568: renaming, changing the membership of, and eliminating certain professional licensure boards and transferring certain functions to the Department of Safety and Professional Services and the Medical Therapy Examining Board; eliminating certain councils under the Department of Safety and Professional Services; creating the Medical Assistants Council; authorizing removal by the governor, for excessive absenteeism and other infractions, of certain members of boards under the Department of Safety and Professional Services; granting rule-making authority; and making an appropriation.

Testimony of State Representative Tyler Vorpapel  
Committee on Government Operations and Consumer Protection  
January 19, 2016

Thank you Chairman Stroebel and committee members of Government Operations and Consumer Protection for hearing Senate Bill 568 (SB 568). This bill would eliminate certain boards and consolidate their duties into other boards or within the Department of Safety and Professional Services. These were areas identified that we could consolidate and streamline government. It also authorizes the Governor to remove any member of a board for excessive absenteeism, neglecting duties, conviction of a crime or unprofessional conduct.

This bill was brought to our attention by the Department of Safety and Professional Services when finding that many of the boards had similar duties and responsibilities. While this bill eliminates and consolidates boards it is also important to note that it is modernizing boards and allowing an update to state statute regarding these specific professions. This bill would roughly save \$60,000 annually.

I'd be happy to answer any questions, but I would refer any technical questions to the Department of Safety and Professional Services when they testify. Thank you.



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**TO:** Senate Committee on Government Operations and Consumer Protection

**FROM:** Department of Safety and Professional Services

**DATE:** Tuesday January 19, 2016

**RE:** Testimony on SB 568

Good morning Chairman Stroebel and members of the committee. My name is Jeff Weigand, the Assistant Deputy Secretary of the Department of Safety and Professional Services. With me is Robert Schlaeger, the Legislative Liaison for the Department of Safety and Professional Services and we appreciate the opportunity to testify in favor of Senate Bill 568.

SB 568 will reform several of the department's statutory examining boards, sections, councils and committees to make government more efficient, responsive and cost effective, while maintaining the industry safety standards of the professions regulated by the department.

SB 568 will enact the following 8 changes.

1. The bill reduces the size of government by eliminating 17 boards, councils or committees. What this will mean is the department would become the regulatory authority for all eliminated entities with two exceptions. The Podiatry Affiliated Credentialing Board and the Radiography Examining Board will be placed under the Medical Examining Boards regulatory authority. Nothing in this bill will eliminate regulatory oversight and the public will still be protected.
2. The 25 member Joint Examining Board of Architects, Engineers, Landscape Architects, Designers and Land Surveyors will be consolidated into a smaller 11-member board.
3. The bill consolidates the 13 member Joint Examining Board of Marriage and Family Therapists, Professional Counselors and Social Workers into a 10 member board.
4. The Council on Anesthesiologists Assistants, Perfusionists Examining Council and Council on Physicians Assistants will be consolidated into a newly formed Medical Assistants Council.
5. SB 568 also consolidates the Physical Therapy Examining Board, Athletic Trainers Affiliated Credentialing Board, Massage Therapy and Bodywork Therapy Affiliated Credentialing Board and the Occupational Therapists Affiliated Credentialing Board into a newly formed Medical Therapy Examining Board.
6. In addition, the bill will consolidate the Sign Language Interpreter Council with the Hearing and Speech Examining Board.
7. SB 568 also eliminates all mandatory meeting requirements with the exception of the Medical Examining Board.

8. And lastly, the bill gives the Governor the ability to remove an appointed board member on the grounds of absenteeism, unprofessional conduct and neglect.

These main changes under SB 568 are derived from several key rationales, all of which will make government more efficient, responsive and cost effective.

Reducing the number of boards under the proposal would save the state time and money associated with staffing and supporting those boards, including member per diem, mileage payment and processing, member lodging set up and costs and processing of documents associated with those functions.

Under current law, some boards are required to meet on an annual basis regardless of workload. Requiring boards to meet a certain number of times each year is time and cost inefficient because there may not necessarily be enough work to warrant a meeting. Under SB 568, eliminating mandatory meeting requirements would ensure that all meetings are substantive. This provision under the bill will ensure member time and Department staff resources are used efficiently and worthwhile.

At this time, the Department is also working with the sponsors of the bill and industry stakeholders to make some technical amendments to the bill.

The purpose of the bill is not to discredit the service of appointed board, committee, and council members who freely volunteer their time to the state, nor is it the purpose of the bill to silence the input of industry professionals from the regulatory decision-making process. The purpose of this bill, however, is to make government more efficient, responsive and cost effective, while ensuring the safety of Wisconsinites as designated by statute. We would like to thank you for the opportunity to testify today on SB 568 and would welcome any questions from the committee at this time.

January 19, 2016 Testimony to the  
Committee on Government Operations and Consumer Protection  
Wisconsin State Legislature  
Regarding Senate Bill 568  
By Mark Gibson, AT, PT

Chair Stroebel and members of the committee, I want to thank you for holding a public hearing today regarding Senate Bill 568 an Act to repeal state law that recognizes various examining and affiliated credentialing boards created under the Department of Safety and Professional Services (DSPS). I am registering in opposition to this bill.

My name is Mark Gibson. I reside in La Crosse and I am currently Chair of the Department of Exercise and Sport Science and Director of the Athletic Training Program at the University of Wisconsin - La Crosse. I have worked at UW-L for 31 years and I am a current member of the Wisconsin Athletic Trainers' Association. I was on the Executive Board of this organization when the Athletic Trainers' Affiliated Credentialing Board was developed in 1999. I am a dual licensed health care provider as an athletic trainer and physical therapist.

I have brought with me today 15 of our senior students. These students will graduate in May. They will take their licensing examination this April. Upon graduation they will seek to become regulated as licensed athletic trainers. They are concerned about being able to practice the profession of athletic training as they have been taught.

In 1999, our efforts to enhance the safety of the public regarding the services of an athletic trainer had been underway for more than 20 years. We became recognized at a time when our state legislature was very cognizant of the growth of regulation of individuals in the State of Wisconsin. Still, there was a strong understanding that the title of athletic trainer and the term athletic training needed to be regulated. There were instances around the State, where individuals without proper education and training were taking care of injuries and illnesses in the name of athletic training. The public needed to be protected.

Since 1999, the Affiliated Credentialing Board has promulgated rules and regulations for a profession that have vastly improved the health and safety of those participating in physical activity. It is a unique field in that it crosses the domains of prevention, treatment, management, and rehabilitation of injury and illness. The Board has specific expertise, and utilizes information that is evidence based and unique to the profession of athletic training. Recent efforts to improve health and safety of individuals who have sustained a concussion have been spearheaded worldwide by the athletic training profession. The same can be said for heat illnesses and a host of other injuries and illnesses.

By eliminating the Athletic Trainers' Affiliated Credentialing Board, the athletic trainers in the State will be under the direction of a Board where 7 of the 8 members have little if any knowledge of these subject areas. The current Board utilizes a standardized protocol approved by a supervisory physician. The protocol may be completely revised by a Board where most of the members come from the physical therapy profession. A profession that openly and actively opposed the 1999 bill for over a decade. The student's here today are rightfully concerned about their future practice as an athletic trainer.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions.

January 19, 2016  
Testimony to the Committee on Government Operations and Consumer Protection  
Wisconsin State Legislature  
Regarding Senate Bill 568

By Michael K. Moll, M.Ed., LAT

Senator Stroebel and committee members, thank you for this opportunity to speak with you today regarding Senate Bill 568. I am registering in opposition to this bill.

My name is Michael Moll. I am a Madison resident and a Licensed Athletic Trainer employed by the University of Wisconsin-Madison Division of Athletics. I currently serve as the Head Football Athletic Trainer. I have had the privilege of providing medical care for our UW student-athletes for the past 16 years. I have also served on the Executive Board of the Wisconsin Athletic Trainers' Association for 8 years and I am the current Vice President.

In my role as an athletic trainer, I am responsible for providing and coordinating medical care for a very specific patient population that has a great deal of demands placed on them. As an athletic trainer, I see my patients on a daily basis, often 7 days a week and I am on call 24 hours a day. I am charged with insuring that our UW football student-athletes have a safe environment to practice and compete in and I am their conduit to medical care. I provide emergency medicine when an athlete is injured on the field during a game or practice. I evaluate injuries and illnesses in the clinical setting. I treat, rehabilitate, and recondition athlete's injuries. I address and prevent heat illness. I am expected to recognize, assess and treat concussions. I assist in making return to play decisions, and I provide the appropriate triage care for a host of other medical conditions that our student athletes encounter on a daily basis. I do all of this and more under the direction of physician with a well-established protocol. I am fortunate to work alongside a number of very skilled licensed athletic trainers who communicate and collaborate with a variety of other health care professionals to provide the best possible medical care for the patients we serve.

I mention all of these job responsibilities, because I think it is extremely important that the Credentialing Board overseeing the rules and regulations of licensed athletic trainers, have the expertise and understanding of the unique profession and environment that I work in. By eliminating the Athletic Trainers' Affiliated Credentialing Board, the athletic trainers in the State will be under the direction of a Board where only 1 member of 8 will be required to have the intimate knowledge of our athletic training profession. I am concerned that this change could hurt our profession, and negatively impact the medical care provided to not only the UW student-athletes that I care for, but the wide range of active individuals across our state that seek the help of a licensed athletic trainer, so they can return to competing in their sport or living an active and healthy lifestyle.

Thank you for your time and the opportunity to testify today. I would be pleased to answer any questions that you might have.

January 19, 2016

To: Senator Duey Stroebel, Chair

Members, Committee on Government Operations and Consumer Protection



From: Christine Longoria, MPAS, PA-C  
President, Wisconsin Academy of Physician Assistants

RE: SB 568 "Eliminating Certain Boards and Councils"

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On behalf of the more than 2,000 Physician Assistants practicing all across Wisconsin, we share our opposition to Senate Bill 568.

The bill would eliminate the Council on Physician Assistants ("PA Council") and replace it with a larger "Council on Medical Assistants" – a council that would force together the responsibilities and representatives of three councils tasked with the regulation of three very distinct medical professions: Physician Assistants (PAs), Perfusionists and Anesthesiologist Assistants (AAs). We ask that you oppose the creation of this "Council on Medical Assistants" and leave in place the existing profession-specific councils.

Physician Assistants are highly trained advanced medical professionals who provide medical care under the supervision of a physician. They provide care in many settings and many medical specialties – ranging from primary care to surgery to orthopedics to psychiatry and more. The practice of PAs does not include Anesthesiology or Perfusion, and in fact covers a far broader medical spectrum than these two professions combined.

The PA Council's responsibility is to advise the Medical Examining Board (comprised solely of physicians and lay public members) on matters affecting or relating to the education, training, licensing, practice and discipline of PAs. These are matters that directly affect the safety and quality of medical care provided by PAs, and therefore the care received by Wisconsin patients.

The PA Council is currently made up of five individuals – three practicing PAs, one individual who teaches PAs, and a lay public member. This Council provides profession-specific expertise on PA practice to the MEB. Out of seven proposed members, the newly designed "Council on Medical Assistants" will have on it only one PA and an individual who teaches PAs – substantially less expertise with which to advise the Medical Examining Board on issues relating to or affecting Physician Assistants. The same is true for both the AA Council and Perfusionist Council as well.

Respectfully, with a very modest estimated savings resulting from the consolidations and eliminations of the dozens of Councils and Boards proposed in SB 568, we believe the risks to patient care and safety are far outweighed by any financial benefit gained.



**January 19, 2016**

**To:** Senator Duey Stroebel, Chair

Members, Committee on Government Operations and Consumer  
Protection



**From:** Anne Hletko, PA-C

**RE:** SB 568 "Eliminating Certain Boards and Councils"

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I am writing in opposition to SB 568 "Eliminating Certain Boards and Councils". I am a former Chair of the Wisconsin Council on Physician Assistants (PA Council). I served as a Council member from 2007 to 2015 and chair from 2008 to 2013.

As you know, Physician Assistants are vital members of the health care team caring for the citizens of Wisconsin. We are highly trained, providing medical care in partnership with our supervising physicians. Physician Assistants practice in all settings and specialties, from rural emergency rooms to urban free clinics to neonatology to neurosurgery. Our scope of practice mirrors that of our supervising physicians.

The PA Council is charged with advising the Medical Examining Board (MEB) on matters of Physician Assistant education, training, licensing practice and discipline. Given the critical role we play in health care, having a knowledgeable, dedicated PA Council providing the Medical Examining Board with the information necessary to assure safe care by Physician Assistants in Wisconsin is vital.

During my tenure as chair of the PA Council, we were called upon to provide council to the MEB on a wide range of PA specific issues. We reviewed, evaluated and proctored oral examinations on candidates seeking PA licensure. These examinations covered not only medical knowledge, but understanding of the PA role, laws and scope of practice. We reviewed questions of PA scope of practice. The Council discussed changes to PA practice and actively participated in the drafting, reviewing and implementation of the most recent changes to Chapter Med 8. We recommended updates to the makeup of the PA Council which were adopted in 2011. We monitor licensure trends affecting not only PA licensure but medical professional licensure in general. In short, the PA Council's expertise on matters of PA practice assures safe, competent medical care by PAs in Wisconsin.

While Anesthesiologist Assistants and Perfusionists provide vital and necessary health care, the Physician Assistant scope of practice is much, much broader. As proposed, SB 568 creates one council made up of representative from three vastly different professions. This will dilute the expertise available to the Medical Examining board regarding PA practice.

Safe, quality health care is vital to Wisconsin – from its individual citizens to businesses that rely on a healthy work force. I urge you to oppose consolidation of the Councils on Physician Assistants, Perfusionists and Anesthesiologist Assistants as proposed in SB 568.



January 19, 2016

Senator Stroebel and Members of the Government Operations and Consumer Protection Committee

I am Teri Black and I am the legislative chair for the Wisconsin Occupational Therapy Association. There are 5,000 Occupational Therapists and Occupational Therapy Assistants in Wisconsin.

We are opposed to this legislation that seeks to eliminate boards that regulate professions, give responsibility for the work done by these boards and councils to other professions and the Department of Safety and Professional Services and provide a way for board members who are not doing the work to be removed. Making these changes would save the department \$60,000. Professions are regulated because the kinds of services they provide have the potential to harm the public. The state requires regulations to ensure the public that the services are being provided by qualified practitioners and give the public a place to complain if they are harmed.

The section of this bill that OT is opposing eliminates the Occupational Therapists Affiliated Credentialing Board, the Athletic Trainers Affiliated Credentialing Board, and the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board and transfers their functions to the Physical Therapy Examining Board, which is renamed in the bill to be the Medical Therapy Examining Board. Under the bill, the membership of the Medical Therapy Examining Board includes, in addition to the members under current law, one representative of each of the professions to be newly regulated by the board

Reasons the Occupational Therapy profession is opposed to these changes are:

1. Each profession has a unique set of knowledge and skills they use to provide service. For Occupational Therapists and Occupational Therapy Assistants it takes from 2 to 8 years of educational preparation. In practice we often provide services to the same clients that Physical Therapy and Speech Therapy does, and there may be points services overlap but OT service needs to be provided by qualified Therapists and regulated by OTs and OTAs.
2. The practice of OT is very broad and encompasses client populations such as individuals with mental illness and behavioral disorders and problems including sensory processing, vision, cognition that the other therapies may have knowledge of but don't have training or advanced certification in using techniques to help clients develop skills to engage in their everyday occupations. An example of harm being caused by an

unqualified practitioner is in the school setting. A classroom aide took a child with Rett Syndrome who was in a sensory program with the OT and she spun the child on a scooter board (looks like a small skateboard) and the child stopped breathing. Her central nervous system was too over stimulated by the spinning and it shut down. To anyone outside the profession this activity looks like a simple fun game but because of the effect on the central nervous system for someone with impairments spinning should only be used by a trained practitioner. If this had been a disciplinary case the clinical judgment of an OT would be needed to determine the harm caused.

3. The Occupational Therapy Affiliated Credentialing Board currently has 7 members 3 Occupational Therapists 2 Occupational Therapy Assistants and 2 public members. In 2002 when OT changed its form of regulation from certification to licensure a member of the legislatures Health committee, added 2 more members to the then 5 member OT board because he felt they would have more work to do now that OT was licensed. The duties of the OT board are quite extensive and are performed by the professionals on the board in a voluntary capacity. They include but are not limited to:

Discipline the profession

Monitor status of those who have been disciplined

Review applications for licensure when applicants have responded yes to 10 questions such as Have you been convicted of a felony, Have you been out of practice for longer than 5 years to determine whether the affirmative responses relate to the person's ability to safely practice OT.

Write Jurisprudence test (this is a 50 question multiple choice on-line test on the law and rules that govern OT practice. Every time changes are made in the law and rules questions need to be written and added to the question bank)

Write and conduct Oral exam (20 question practice exam questions need to be written by OT professionals and the answers have to be scored by OTs)

In addition to this list which I know is not complete each member has yearly assignments to do tasks between meetings. At its June meeting they assigned some of these tasks to a new member of the board: Credentialing Liaison, Monitoring Liaison, Education and Exams Liaison and Screening Panel Member.

4. In the last 3 years the OTACB has completed a major update of the Administrative rules that govern OT. They completely rewrote 2 of the 5 chapters of rules to reflect current and future OT practice. They made changes to Physician referral language. The board held several public hearings and listened to pages of testimony, not unlike your committee. The board also had to meet the Governors requirement to review all administrative rules to determine if any created barriers to small businesses and then

make changes. All these tasks and many more are done in 3-4 meetings a year where some of the board members attend via telephone conference call.

The major point being made is there is too much work to be done to have only one OT on this newly created board. The medical therapy board that would be created would have 4 PTs, 1 OT, 1 athletic trainer and 1 massage therapy and body worker and a public member.

5. The 3 professions of Occupational Therapy, Physical Therapy and Speech Therapy practice on an equal level in the places we provide services. Frequently a patient receives all 3 therapies or a combination. In essence these changes treat OT differently with less autonomy than PT and Speech and that is unfair. OT intends to request establishing an independent OT examining board as the next step after we obtained practice without Physician referral. Generally it has been a positive experience being regulated as an affiliated Credentialing Board with the Medical Examining board. A frustration though, has been that it has delayed actions that the OT profession and the licensing board might have taken such as defining practice parameters for telehealth. The OT board was told by the Department to wait until the physicians made a decision about telemedicine. SB 568 appears to place several other professional groups in the same negative position in the regulatory process as it does for OT.

Contacts: Teri Black COTA ROH [black@madisoncollege.edu](mailto:black@madisoncollege.edu) 608-445-9908

Bob Welch [bob@thewelchgroup.org](mailto:bob@thewelchgroup.org) 608-819-0150

January 17, 2015

Senator Stroebel and Committee Members

My name is Gaye Meyer and I am a Occupational Therapy Assistant currently working at UW hospital. I'm also a Board Member on the Occupational Therapy Licensure Board.

I am opposed to the legislation that is seeking to eliminate several credentialing boards that regulate professions including the Occupational Therapy Affiliated Credentialing board. I feel it is important we maintain the Occupational Therapy licensure board for the public's safety and our professional autonomy.

The Occupational Therapy licensure board has many duties including:

Ensuring that OT practitioners are qualified to provide their services to the public and allowing for the public to openly file a complaint if they are harmed in any way.

Monitoring status of practitioners who have been disciplined.

Reviewing applications for licensure of those who have been convicted of a felony.

Review of practitioners who have been out of practice for longer than 5 years and determining if they are they able to safely practice.

Write and conduct oral exams and the written open book exam.

Hold public hearings regarding changes to Occupational Therapy regulations and practice.

Representation of the Occupational Therapy licensure board at the American Occupational Therapy Association and Wisconsin Occupational Therapy Association conferences.

The proposed Medical Therapy Board would put the items listed above at risk if only one Occupational Therapist is appointed to this board. One person cannot do it all alone.

Please consider the seriousness of dissolving the Occupational Therapy Affiliated Credentialing Board. As a Board Member I realize the importance that the Occupational Therapy Licensure boards plays in ensuring the safety of the public and the continued progression of the Occupational Therapy Profession.

Gaye Meyer, OTA, Secretary Occupational Therapy Affiliated Credentialing Board  
gayemeyera@gmail.com

January 19, 2015

Senator Stroebel and Committee Members

I am writing to disclose my concerns with the proposed SB 568.

As a current Occupational Therapists Affiliated Credentialing Board member, I am very concerned the consolidation that this proposed bill suggests. The OT Board currently consists of several members (both active clinicians and public members) and is designed to give representation to different areas of practice, as well as represent different areas of the state. In the proposed bill, only having one occupational therapist member on the newly consolidated board would greatly reduce the benefits of a multi-member board, as well as decrease the representation for various parts of the state. This would not provide fair representation for the wide scope of OT services in the state of Wisconsin.

Secondly, I am concerned that the change in OT Board structure would pose a significant time challenge to the one remaining occupational therapist board member. Each board member has been given a set of responsibilities, which include screening various license requests, contributing to screening panels for disciplinary action, attending meetings and conferences, administering oral exams, and tending to other duties brought to the boards attention. Each of these responsibilities are best served by an actual occupational therapist, not a member of another discipline, since many issues are *very* discipline specific. It would not be reasonable to expect a physical therapist, athletic trainer or massage therapist to fairly represent OT interests throughout the state.

Please take into consideration the negative impact that this bill would have on the occupational therapy profession within Wisconsin. Wisconsin is currently considered a great place to live and work as an occupational therapist, and I am concerned that the ramifications of this bill would greatly affect this status.

*Laura O'Brien, MSOT, OTR/L*

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**Wisconsin Physical Therapy Association**

A CHAPTER OF THE AMERICAN PHYSICAL THERAPY ASSOCIATION

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January 19, 2016

Senate Members of the Committee on Government Operations and Consumer Protection,

On behalf of our 2,500+ members of the Wisconsin Physical Therapy Association (WPTA), we ask that you oppose Senate Bill 568, relating to consolidating boards and councils.

The WPTA represents physical therapists, physical therapist assistants, and students, all of whom seek to raise the standards of professionalism, safety, and quality of care in our field. We believe that Senate Bill 568 limits the state's ability to oversee the regulatory and disciplinary process effectively for our profession, which ultimately decreases public safety. Besides a relatively small cost savings to the State of Wisconsin, the proposed board consolidation has limited rationale.

Consolidating the respective boards for physical therapists, athletic trainers, massage therapists and bodyworkers, and occupational therapists into the Medical Therapy Examining Board (MTEB) decreases the depth of regulatory oversight and dilutes discipline-specific understanding of separate and distinct professions. The proposed MTEB would be responsible for a wide range of activity that is likely to be less responsive, efficient, and effective.

The Physical Therapy Examining Board (PTEB) formed in 2010, and was developed to allow the profession to be governed by physical therapists, a physical therapist assistant, and a public member. In its short existence, the PTEB has been very successful in promoting many initiatives that advance physical therapist practice while also ensuring public protection.

The WPTA strives to support initiatives that reduce the cost of care, enhance the patient and family experience, improve outcomes, and support the overall health of the public. Senate Bill 568 is contrary to all of these aims; instead, the bill aims to decrease the cost to the state, and we believe the risks to patient care and safety are far outweighed by any financial benefit this legislation would provide. As a result, the WPTA asks you to oppose this consolidation measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Marcus Kip Schick". The signature is fluid and cursive.

Marcus Kip Schick, PT, DPT, MBA  
President

2015 SB 568 Public Hearing  
1/19/2016

Good Morning and thank you for the opportunity to speak. My name is Michael Eberle, I am a licensed architect and serve as the current Secretary of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors and I also serve as the Chairperson of the Architects Section. Both boards that I serve are affected by the proposed legislation and I am here today to speak against the proposed legislation as currently drafted.

As a bit of background, I was appointed by Governor Walker to the Architects Section of the Joint Board in December 2011 and have applied to the Governor's Office to serve a second term.

For those of you not familiar with the Architects Section, I would like to give you a bit of background: We represent 9,826 licensed architects registered to practice architecture in the State of Wisconsin. Architecture is a diverse profession ranging from the highly technical to the artistic, but is ultimately responsible for protecting the health, safety and welfare of the public in the built environment.

The business of our Board is focused on education, experience and examination requirements to be a Wisconsin Registered Architect. Over the past several years our efforts have focused on addressing issues created by forces external to our Board. Topics being addressed by the Section include: creating a Retired Architect status (an item that was requested by the public), addressing licensing exam timing (as requested by the Governor via 2013 Wisconsin Act 114), aligning the Wisconsin Intern Development Program hours with the National Council of Architectural Registration Boards (NCARB) requirements (these went in to effect on July 1, 2015), reviewing / commenting on proposed NCARB experience adjustments and finally, reviewing Architectural Registration Examination changes coming in the next two years.

In addition to the above items, our board of five has divided the additional work items in an effort to address them in a timely manner throughout the year. Sometimes these review requests are weekly, others are less frequent. Currently, we have one person serving on the A-E Rules Committee, three people serving on the Screening Panel, one person serving as the Credentialing and Continuing Education Liaison, and one person serving as Monitoring Liaison.

Members of the Architects Section also represent Wisconsin at NCARB Business Sessions and require 2-3 out of state, multiple day trips throughout the year.

When I started on the board four years ago, we were limited to two meetings per year per direction received from DSPS. Since then, Secretary Ross has attended our meetings and personally encouraged us to schedule as many meetings as we felt necessary to be a productive board. Please know that we have not increased the number of in-person meetings, only added several teleconferences. In 2015, our board met twice for face-to-face meetings, in April and



October, and held three other teleconferences in March, September and December to discuss particular initiatives requiring interim action to meet external deadlines. In the four years that I have been involved, the Architects Section has had a quorum at each meeting and no meetings have been cancelled.

Please know that we have been and continue to be a productive and efficient Board with an evenly distributed workload.

Several items for you to consider with regard to elimination of the Architects Section:

Item One:

By eliminating the Architects Section, the proposed legislation places the workload of the current five person Section (comprised of three licensed architects and two public members) on to the proposed eleven person Joint Board. The proposed makeup of the Joint Board consists of two licensed architects, eight allied professionals and one public member. It is unreasonable that only two architects representing their profession will be able to discuss and agree on the specific architectural education, examination and experience requirements, let alone convince nine other members that lack specific knowledge of the architecture requirements. Simply stated, 2/11ths is not a majority and the overall group will not be able to take the necessary action required to move decision items forward.

Item Two:

The distribution of weekly workload items to only two qualified individuals will make this a more burdensome appointment and there will likely be fewer interested people seeking this Board position, leading to overwork and possible turnover.

Item Three:

Increasing this appointment term from three years to four years is again creating a less desirable Board position and will possibly lead to more absenteeism at meetings and preventing a quorum.

Item Four:

Our state has been, and continues to be, a state that allows multiple paths to architectural licensure. The differing State and National registration requirements creates an undue burden of tracking national and state requirements for becoming a licensed architect in multiple states. There are opportunities to more closely align Wisconsin's architectural licensure requirements with those being recognized by a majority of states nationally. To this end, the perception nationally is that Wisconsin is the cheapest and easiest state to get an architects' license. We continue to lose ground against the national education and licensing standards, as well as those of our neighboring states. Wisconsin's current requirements limit our Architects' credentials and impedes licensure in other states and growing our practices beyond the state lines. This is not good business.

With regard to the Joint Board, I do agree that the Joint Board is a large group of people at 25 and could be reduced to a core group of professionals representing each Section. However, only two representatives from each current Board is too few and will only create the need for more education between professional groups which will only add time to meetings and possibly create a need for more meetings.

In summary, please know that this is a personal issue to me as an architect, employer and architecture firm owner. With an aging Architect population and a current shortage of architects, there is a great deal of pressure being placed on architectural education, experience and the licensure processes. Now is not the time to eliminate the Architects Section, a group responsible for guiding this discussion and charged with protecting the health, safety and welfare of the public in the built environment. Turning this responsibility over to a smaller, less knowledgeable group is truly an avoidable mistake.

Thank you for considering my comments. A copy of my remarks is available for inclusion in the public hearing minutes and I am available for questions.

Michael Eberle, AIA  
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(608) 220-3417

TESTIMONY IN OPPOSITION TO 2015 SENATE BILL 568 PRESENTED BY MARC HERSTAND, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF SOCIAL WORKERS, WISCONSIN CHAPTER

Senator Stroebel and members of the Senate Committee on Government Operations and Consumer Protection. Thank you for this opportunity to speak on Senate Bill 568. We oppose this legislation as I will discuss in my testimony.

I have served as Executive Director of the National Association of Social Workers, Wisconsin Chapter since 1992, which was the year that the three separate professions of social work, professional counseling and marriage and family therapy were first regulated by the State of Wisconsin. Although these three professions were placed on a joint Examining Board, the law was set up to give each profession authority to set the rules for their own profession. As the law stands right now, each of the three professions make their own decisions on discipline and on who qualifies to enter the profession. Each profession also meets separately to develop the rules and regulation for their profession, which they bring to the Examining Board for final approval.

The social work profession has almost 12,000 license holders or trainees compared to 855 for the Marriage and Family Therapists and 4524 for the Professional Counselors. Because of the huge workload for the Social Workers Section, they have always had to meet more frequently than the other sections and work longer hours. Social work is a much broader profession than Marriage and Family Therapy or Professional Counseling. While the PC's and MFT's only regulate at the Masters or licensed clinical level the Social Workers regulate at four levels, including the Bachelors level, the entry level Masters level, the Administrative level and the licensed clinical level.. Our profession's Code of Ethics is different than those of the other professions as are our Standards of Practice.

The national body overseeing social work boards nationwide, the Association of Social Work Boards, informed me that only a handful of states actually have a Joint Board. ASWB does not recommend that any state implement this system because of the inherent conflicts and politics they have seen in this type of arrangement. Public protection loses its priority in this system.

Leaving aside the conflicts and politics in such a joint board, we would not think it wise for a Nurse or Physician's Assistant to set standards and make decisions about the practice of Surgery by Doctors. Similarly a social worker is not qualified to make a decision about who is qualified to become a Marriage and Family Therapist or Professional Counselor.

I understand that this bill is designed to reduce unnecessary meetings and save per diem, staff time and travel time and costs. If there are professions on this list that have very few certificate holders, short meetings and little business, it might make sense to make some changes to the meeting schedules for those professions. However it does not make sense for the social work profession. With almost 12,000

licensees, 1200 applications per year, hundreds of pages of documents each meeting you can't reduce the meetings any more than has already been done. The Professional Counselors and Marriage and Family Therapists do not have this level of workload and it makes no sense to pay them to come to meetings to discuss issues that don't relate to their profession and for which they are not qualified to make judgements.

Another issue is the proportion of each profession on the board. When the three professions were first regulated, no one knew exactly how many individuals would be certified or licensed in each profession but there was a sense that there would be more social workers since we credentialed at both the Bachelor's and Masters' level. The original board was set up with equal numbers of Professional Counselors and Marriage and Family Therapists and one more member of the Social Workers Section. Since that time we have learned that there are more than 12 times as many certified and licensed Social Workers as Licensed Marriage and Family Therapists and almost four times as many certified and licensed Social Workers as Licensed Professional Counselors. Yet this bill provides for equal numbers of each profession. This makes no sense in terms of workload or fairness of representation on a board.

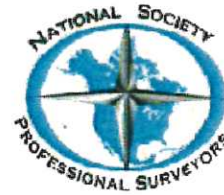
Finally a comment about process. You heard today the Department of Safety and Professional Services present this proposal. This proposal affects many professions. In developing public policy one would expect to allow those affected groups the opportunity to review, reflect and provide feedback on the policy. Yet despite the fact that DSPS staffs the Examining Board, to my knowledge they have never told any of the Sections or the Examining Board what they would be proposing and more importantly not obtained their feedback and careful consideration. How would they know or you know if this bill could actually work or would be a disaster if the affected bodies have not had a chance to examine it thoroughly?

I would ask that this proposal be shelved until the Social Work, Marriage and Family Therapy and Professional Counselor Sections have had a chance to review and discuss this bill. There is no crisis or emergency that requires that this bill be approved in this legislative session. If you give these Sections and the Board an opportunity to discuss and provide feedback, they might be able to redo the system to save the state money (the goal of this bill) without causing havoc and/or harming the professions or the health and safety of the people of Wisconsin.



# Wisconsin Society of Land Surveyors

Affiliated with the National Society of Professional Surveyors



## Testimony of the Wisconsin Society of Land Surveyors

### Subject SB 568

### RENAMING, CHANGING THE MEMBERSHIP OF, AND ELIMINATING CERTAIN PROFESSIONAL LICENSING BOARDS

Date: January 19, 2016

To whom it may concern,

On behalf of the Wisconsin Society of Land Surveyors (WSLS), an organization of 800+ members including 600 of our states licensed Professional Land Surveyors, I write this letter of testimony opposing SB 568.

Our members rely on the Department of Safety and Professional Services (DSPA) and the specific sections of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors for protection, structure, guidance and discipline.

Currently each individual section is comprised of members of the specific profession, allowing them to fully understand a given situation and the ramifications of their actions. This fact alone provides a great and necessary value to both the taxpayer and the practitioner. Conversely the elimination of an individual section, the consolidation of all professions, and the reduction of membership would be a detriment to the taxpayer and the profession for which it serves as an Architect may not fully understand why a designer is debating over a certain point causing lost time and possibly harmful consequences.

Wisconsin residents also benefit greatly from an appropriately appointed and functional review board as it exists to help draft laws that are necessary in protecting their investments and to guide those practitioners that may have fallen out of line.

Please keep this valuable and important investment in place to protect Wisconsin taxpayers and assist in the proper functionality of our profession.

Please feel free to contact me at the number listed below if you would like to discuss this matter further.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey L. DeMuth".

Jeffrey L. DeMuth, PLS  
President – Wisconsin Society of Land Surveyors

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TESTIMONY IN OPPOSITION TO 2015 SENATE BILL 568 PRESENTED BY  
NICK SMIAR, CHAIRPERSON OF THE SOCIAL WORKER SECTION AND  
VICE CHAIRPERSON OF THE MPSW EXAMINING BOARD

Senator Stroebel and members of the Senate Committee on Government Operations and Consumer Protection, thank you for this opportunity to speak on Senate Bill 568.

My name is Nick Smiar. I am a Certified Independent Social Worker, CISW. I am Chairperson of the Social Worker Section of the MPSW Examining Board and Vice Chairperson of the MPS Examining Board, also Professor Emeritus of Social Work, University of Wisconsin-Eau Claire; county board supervisor, Eau Claire County, District 15; Vice President of the Human Services Board, Eau Claire County; and Wisconsin delegate to the Association of Social Work Boards (ASWB).

My testimony today will consist of two parts. The first part will be about the bill itself; the second part will be specifically in regard to Sections 379-457 and Section 9138. I understand that this bill is being brought forward in order to save money and, most probably, as an effort at deregulation, and it seems to be based on an assumption that the workload of the various sections and boards does not warrant the money spent on them.

I point out, first, that this bill has been introduced without any notice to any of the boards or sections and without an opportunity to discuss the proposed action or provide feedback through a regular meeting of the sections or the examining board. The input and feedback from the board and the sections would be more efficient and productive than a "top-down" administrative decision with a focus on saving money rather than serving the citizens of Wisconsin.

Second, we have been told, in the past, when the issue at hand was a severe threat to public safety, that DSPS does not involve itself in legislation, and yet here it is testifying in support of the bill which it drafted.

Third, the bill damages the mission of DSPS, which is protection of the health, safety, and welfare of Wisconsin citizens, all to save a few bucks by "streamlining" the department to "make it more efficient."

In the second part of this testimony, I point out the workload of the Social Worker Section in particular. There are 11,923 certified and licensed social workers in

Wisconsin; we process approximately one hundred applications per month, the most difficult being the applications for the social work training certificate and applications for clinical licensure; we handle an average of seven complaints per month in our ethics screening panel with the very capable assistance of legal staff of DSPS, and in each session of the panel we handle between four hundred and nine hundred pages of file materials for that ethics screening panel; we review and act on all disciplinary actions (case closings, stipulations, administrative warnings, reprimands, limitations on licensure/certification, suspensions, and revocations); we spend numerous hours reviewing applications which require special attention and present difficulties requiring professional review; we are a member of the national Association of Social Work Boards, whose current focus is on mobility of licensure/certification and reciprocity, a topic of concern to this administration.

There are three sections of the MPSW Examining Board. The other two sections (Marriage and Family Therapy and Professional Counseling) are smaller in terms of licensed professionals (MFT - 855; PC - 4,524). These two sections currently have three professional members and one public member each. The Social Worker Section has four professional members and one public member. In the original authorizing legislation this was done because of the larger number of certified and licensed social workers, because of the larger and much more varied workload, and because there would be one professional member from each level of certification and licensure (CSW, APSW, CISW, and LCSW). MFT and PC handle only one licensure; both MFT's and PC's provide only treatment. In contrast, social work has three types of certification and one licensure. At the level of Certified Social Worker (CSW), we have also the Social Work Training Certificate, an extremely complex certification.

Social workers offer a much broader range of services in addition to diagnostic assessment and treatment, which is also done by clinical social workers. There are school social workers, hospital social workers, child protection social workers, community organizers, family care social workers, gerontological social workers, policy drafters and advocates, caseworkers in public and private agencies, court social workers, probation and parole officers who are social workers, social workers who specialize in working with the developmentally and physically disabled...more specialties than I can list here.

In SB 568. in regard to the MPSW Examining Board, the proposal is to eliminate the three sections and constitute an MPSW Examining Board consisting of nine professional members (three from each profession) and one public member. In

other words, the majority of the board will consist of professionals who have little to no knowledge of social work as a profession, little to no knowledge of professional educational qualifications, and little to no knowledge of social work ethics. The effect of this structure will be to increase the workload for social work and excessively complicate the decision making and disciplinary processes.

In an effort to spread the workload, we assign difficult cases for review by one of the members of the Social Worker Section outside of the section meeting and do the ethics screening panel most often by teleconference, which makes it necessary to review the four to nine hundred pages outside of the meeting time. SB 568 would increase the workload by assigning it to three members and complicate the decision making process by involving board members from other professions.

SB 568 is not specific regarding the assignment of duties of the proposed board or the process to be employed by the board. We have been told that unless something is authorized in the legislation, it cannot be done in the regulations. Where is the specificity?

The recommendations are, in the name of consumer protection, to eliminate Sections 379-457 and those portions of Section 9138 which pertain to the MPSW Examining Board, to send the bill back to DSPPS for discussion and input from the boards and sections, and to table consideration of SB 568, pending possible amendments.

Thank you for allowing me to present this testimony in opposition to SB 568.

Nicholas P. Smiar, PhD, ACSW, CISW  
Chairperson of the Social Worker Section  
Vice Chairperson of the MPSW Examining Board



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**Subject:** Testimony in opposition of SB 568

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**From:** Laura O'Brien (lauraobrien623@gmail.com)

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**To:** bob@thewelchgroup.org; black@madisoncollege.edu;

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**Date:** Tuesday, January 19, 2016 8:06 AM

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Good morning,

I am writing to disclose my concerns with the proposed SB 568.

As a current Occupational Therapists Affiliated Credentialing Board member, I am very concerned the the consolidation that this proposed bill suggests. The OT Board currently consists of several members (both active clinicians and public members) and is designed to give representation to different areas of practice, as well as represent different areas of the state. In the proposed bill, only having one occupational therapist member on the newly consolidated board would greatly reduce the benefits of a multi-member board, as well as decrease the representation for various parts of the state. This would not provide fair representation for the wide scope of OT services in the state of Wisconsin.

Secondly, I am concerned that the change in OT Board structure would pose a significant time challenge to the one remaining occupational therapist board member. Each board member has been given a set of responsibilities, which include screening various license requests, contributing to screening panels for disciplinary action, attending meetings and conferences, administering oral exams, and tending to other duties brought to the boards attention. Each of these responsibilities are best served by an actual occupational therapist, not a member of another discipline, since many issues are *very* discipline specific. It would not be reasonable to expect a physical therapist to fairly represent OT interests throughout the state.

Please take into consideration the negative impact that this bill would have on the occupational therapy profession within Wisconsin. Wisconsin is currently considered a great place to live and work as an occupational therapist, and I am concerned that the ramifications of this bill would greatly affect this status.

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*Laura O'Brien, MSOT, OTR/L*

LauraOBrien623@gmail.com  
715-379-0968

To: **The Wisconsin Senate Committee on Government Operations and Consumer Protection**

Senator Duey Stroebel, Chair

Senator Devin LaMahieu, Vice Chair

Senator Chris Kapenga

Senator Nikiya Harris Dodd

Senator Robert Wirsch

From: **Eric Alvin, former member and Chair of the Social Work Section,**

Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board

RE: **SB 568, Relating to the proposed elimination of the Social Work Section of the MPSW Board**

Thank you for the opportunity to bring to your attention the many serious concerns I have regarding this proposal. I am asking that you reject the proposed changes to the MPSW Board, particularly the elimination of Sections for each profession. As a social worker, and as a former member of the Board and the Section, I believe this bill would be extremely harmful to both professional social workers in this state and to the clients we serve.

- 1. Social work is an established and respected profession with unique professional standards and the responsibility to serve the most vulnerable people in our communities. This bill would eliminate the Social Work Section, and would place regulatory decisions about our profession in the hands of people who do not understand our profession.**

The roots of the social work profession go back to the earliest teachings regarding how we should treat those who are least among us. The profession of social work celebrated its centennial in 1998, and there are 650,000 people in the United States with a degree in social work. Professional social workers are found wherever individuals, families, and groups need assistance in restoring or enhancing their capacity for social functioning—in schools, hospitals, mental health clinics, senior centers, elected office, private practices, prisons, military, corporations, and in numerous public and private agencies that serve individuals and families in need. Many also serve as social and community service directors. Professional social workers protect abused and neglected children, help children with emotional and familial challenges adapt to school, coordinate outpatient and mental health services to sick or injured patients, help the elderly and disabled live safe and healthy lives with dignity, and assist those convicted of crimes in turning their lives around.

Social workers must understand complex individual characteristics, family and group dynamics, and the social environment in which people live. They must also understand applied and evidence-based methods of assessment, engagement, intervention, and treatment in order to appropriately and effectively serve the diverse and complex range of people we work with. We are an applied profession. We are also one of the lowest-paid professions; we serve our clients because we are called to do so. Many social workers provide psychotherapy, but many others work in different types of roles. We approach psychotherapy differently than other professions. The fundamental training we receive and the theoretical basis of our practice differs significantly from those of Marriage and Family Therapists (MFT's) or Professional Counselors (PC's). This bill would create a "composite board" where only three in 10 of the appointees to the Board understand the history and standards of the social work profession, social work educational requirements, or the practical training social workers receive.

- 2. This bill will be dangerous for the public, as it will undermine the ability of social workers on the Board to protect the public and maintain basic standards for our profession. Recent events have shown that the Department and the other professions do not understand social work and do not respect our professional requirements, and this bill will make a bad situation worse.**

In Wisconsin, there are nearly 12,000 credentialed social workers (11,923 as of last week). Under the current system, the four social work representatives and one public member which serve on the Social Work Section of the Board have the responsibility to provide service and oversight for those 12,000 social workers, and to act in the best interests of the millions of people in this state who are affected by social work services. There are 4524 Professional Counselors and 855 Marriage and Family Therapists. There are more than twice as many social workers in Wisconsin than there are members of the other two professions combined. Yet under this bill, the other two professions would **routinely be able to make decisions regarding the professional standards for social workers over the objections of the social workers present.** The Social Work profession would entirely lose its ability to perform one of the basic

functions of any profession – **self-regulation** – and decisions about our profession would be made by government bureaucrats and members of “competing” professions. Members of a **profession** should have the responsibility and autonomy to make important determinations about the standards of practice for that profession. It is a responsibility that I took very seriously when I was a member of the Social Work Section. I would not have wanted to make these decisions for members of other professions, and I strongly object to the idea that members of other professions would, under this bill, make those decisions for me. This bill would take away the ability of the social work profession to set its own professional standards, which would be extremely disrespectful to the 12,000 hard-working social workers in this state. Historically, the appointed members of each profession have been able to get along and work together on areas of common interest. If this bill passes, however, this sense of collegiality will likely end as each profession would become increasingly resentful of the role that the other professional members are forced to play in making decisions that should be made by members of each profession.

Imagine that you were a plumber, but that the professional rules that guided your profession were determined by electricians and HVAC operators. Imagine you were a real estate agent, and your professional rules were made by people with an interest in rental property. Imagine if you were an accountant, and learned that the rules governing your ability to make a living were going to be made by government bureaucrats and tax lawyers. Imagine you were a chiropractor, and the Legislature proposed turning your professional standards over to the Medical Board despite a history of tension between the professions. If you can imagine these things, you will understand what this bill will do to the profession of social work. Social workers should not be making professional decisions for MFT’s or PC’s, and neither MFT’s nor PC’s should make these decisions for social workers.

On December 19<sup>th</sup>, 2014, the joint Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (MPSW) voted – against the strong recommendation of the Social Work Section and against all recommendations from NASW and other social workers – to **eliminate** the common-sense requirement that Licensed Clinical Social Workers - who are licensed to provide psychotherapy without supervision - must first have had experience providing psychotherapy with supervision.

If your child, parent, or spouse needed psychotherapy due to a mental illness, medical condition, or addiction, and if they were referred to a Licensed Clinical Social Worker who had been given their LCSW without ever having learned to provide psychotherapy under the supervision of an experienced psychotherapist, it is easy to see how they could receive treatment that could be ineffective – or worse, could exacerbate your loved-one’s problem. If this were to occur, most of us would view this as a failure of the regulatory system – however, this is exactly what the Department and the other two Sections voted to impose on the profession of social work in Wisconsin.

This proposed rule change clearly threatened the safety of the public. The Social Work Section opposed the change and brought it to the attention of the Legislature. When this rule change reached the Assembly for review, the Assembly wisely blocked the change and passed a bill to provide legislative relief. That bill – AB 217 – is waiting for a public hearing in the Senate Committee on Health and Human Services, and I very much hope that the Senate will also pass it as quickly as possible.

If SB 568 passes, DSPS may try again to dangerously weaken professional credentials for social workers, and the Social Work Section would no longer be able to oppose these efforts. No safeguard would exist to prevent the Department from imposing unsafe and bureaucratic regulations. Unqualified individuals would be allowed to provide ineffective treatments, and business owners who pay for mental health insurance premiums would likely see higher costs. Members of the public would likely receive inappropriate treatment and will not improve – and may even see their mental health decline. SB 568 would eliminate the Social Work Section of the Board and would give **all** decision-making authority regarding social work regulation to a board where social workers comprise less than a third of the membership. In Wisconsin, the ability of the social work profession to self-regulate and ensure public safety would be crippled.

- 3. This bill will be inefficient, costly for businesses and agencies that hire social workers, and dangerous to the public.**

The MPSW board has been a joint professional board with separate professional sections for more than twenty years. When it was created, the Legislature specifically stated that the Joint Board should not act on credentialing matters that affect the individual professions except on the advice of the various sections. This allowed each profession to maintain an appropriate level of autonomy, and avoided “political infighting” or the ability of bureaucrats to manipulate the professions against each other. This bill would destroy the Legislature’s critical safeguard against government interference.

The joint MPSW board also recently – against the advice of NASW, a large number of social work educators, and a unanimous vote of the Social Work section – voted to eliminate a DSPS service in which new licensees must pass an open-book, on-line examination on the basic laws and rules that govern social work practice in the state. The rule was consistent with the will of the Legislature, which previously identified two groups of licensees that must take the exam, and this bizarre rule change will create a significant amount of confusion, and will require that businesses spend additional money testing and training their employees or risk lawsuits. The Department has shown an unfortunate lack of concern over the degree to which their bureaucratic actions affect small businesses, individual practitioners, and large health organizations. Members of the Social Work Section have consistently sought to keep the interests of employers, the profession, and the public in mind when these decisions are made.

- 4. Elimination of the Social Work Section will dramatically increase the workload for the composite Board, and appointees to the Board will be required to take on roles that they are not trained to perform. This is highly inefficient and will result in significant wasted time on the Board and DSPS, and will result in poor service to credential holders and employers.**

Social workers and public members who serve on the Social Work Section spend a significant amount of time reviewing applications, screening professional complaints, and evaluating possible disciplinary actions when a social worker violates the rules of professional conduct. Social workers are not qualified to make these decisions for Marriage and Family Therapists or Professional Counselors, Members of those professions are not qualified to do this for social workers, and they should not be asked to spend their time doing so. Appointees to the Social Work Section (or to the other sections) have a great deal of work to do within the social work profession itself, and it will be impossible for a composite board to accomplish these tasks efficiently or productively.

Under this bill, issues with social work applications would be reviewed by 10 people instead of five. Complaints against social workers would be screened by members of other professions, and all of the appointees would have to sit through long administrative hearings regarding possible disciplinary actions for members of each separate profession – who have no interest or expertise in becoming involved in disciplinary actions regarding members of other professions. This is a terrible use of the time an appointee gives to the state. The Legislature should continue to allow appointees to focus on the workload of their specific profession by maintaining separate professional Sections.

I served on the Board and the Section for eight years. During those years, I would estimate that I donated well beyond 1000 hours of my time to the State of Wisconsin and to the profession of social work. I did it gladly and willingly, and I would be glad to do so again. The “per diem” paid to appointees is minimal and does not come close to covering the expenses involved in accepting these positions; I did not file for it and viewed the time as service to the profession. However, if I had been required to review applications and screen complaints for other professions, I would have strongly objected to my time being so badly misused.

The Social Work Section has an additional responsibility that the other two Sections do not have – the Social Work Training Certificate. The Legislature created the Social Work Training Certificate as a way to allow persons with an undergraduate degree in psychology, criminal justice, or sociology to obtain a basic social work credential through completion of additional social work courses. Since these programs are unique to Wisconsin, there are no accreditation standards for SWTC programs. Training Certificate applications, courses, and programs all must be reviewed by members of the Social Work Section. If SB 568 becomes law, these courses and classes will be reviewed by six professionals with NO experience in the social work profession along with three social workers. MFT’s and PC’s should NOT be responsible for reviewing or voting on programs, courses, or specific applications related to the social work training certificate as the requirements of a social work program are entirely outside of their professional expertise. PC’s and MFT’s are NOT familiar with the NASW Code of Ethics, are NOT taught basic social work

theory, and typically have never taken the foundation courses specified by the Legislature when it created the Social Work Training Certificate.

5. **This bill eliminates the requirement that appointees to the Board include a Licensed Clinical Social Worker, a Certified Independent Social Worker, an Advanced Practice Social Worker, and a social worker employed by a government agency, which will likely lead to gaps in expertise on the Board.**

MFT's and PC's also have one level of license. Social workers have **four**. SB 568 would also eliminate the requirement that the members of the Social Work Section hold different levels of licensure or certification. This is a terrible idea, as the Section and the Board have been greatly served by the diversity of experience within the pool of professionals that serve on the Board. Social workers fill a wide range of roles, and we need a Section with members from a variety of professional roles. Under this bill, all appointees could be CSW's who could have been credentialed through the Training Certificate. **This means that it would be possible for no one on the Board to actually hold a social work degree.** This clearly would be contrary to the interests of the State and the members of our profession.

6. **This bill is a TAX on the social workers in this state, as it reduces services without reduction in fees.**

Our professional members pay biannual fees for the credential we hold. Approximately half of the money that social workers pay in fees is diverted into the general state revenue – the money does not come back to the professional members in service from DSPS. If this bill is supposed to be a “cost cutting measure,” it is a **bad deal** for members of the social work profession. Any money “saved” by DSPS would be additional **tax** on the ability to practice social work in this state. The reduction in services is likely to come with increased waiting times for application approval, inefficient handling of disciplinary complaints, and increased costs from bad regulatory decisions.

7. **The consequences of this bill, as it relates to social workers, will be contrary to the clear goals of this committee.**

The members of this committee have been concerned with making reforms to government operations that will improve efficiency, serve businesses while protecting the public, eliminate unnecessary regulation, and help foster an environment conducive to entrepreneurship and innovation. This bill will not do that. **This bill will add unnecessary bureaucracy and inefficiency to government operations.** It will make it very difficult for the professional boards to function. It will make it much more difficult for businesses who hire mental health professionals to know that they are hiring qualified people. It will increase costs for training, liability, and worker error. It will make it more difficult to update regulations to adapt to changing national standards and ease the burden on licensees and employers.

When I learned of this bill, I contacted Dwight Hymans, the Executive Vice President of the Association of Social Work Boards, which serves the Social Work regulatory bodies in every state and US territory, as well as all Canadian provinces. Mr. Hymans reported that only twelve states – including Wisconsin – have “composite boards” that combine mental health professions into a single regulatory entity.

Unlike the current situation in Wisconsin, however, many of the other states do not have separate social work section, and the regulatory process in those states has been much more contentious, inefficient, and bureaucratic than those in states where each profession has its own entity. Mr. Hyman's wrote that based on the experiences of members from the states that already have composite boards, a composite board is **bad public policy**:

**“More often the process becomes one of turf fighting with the professions jockeying for their own profession with little regard for the other professions...they have been trying to make some changes in their regulations for several years only to be stopped by the other professions on the board. Politics ends up being the motivator, not public protection.”**

Based on the experiences of other states, SB 568 would **go the wrong direction**. If the goal of this committee is to reduce the regulatory burden that government places on business while protecting the public, this bill is absolutely contrary to that goal.

I urge the committee to reject SB 568 in its current form, or to change it to reject the changes to the Social Work Section.

January 19, 2016

**Public Hearing – 2015 Senate Bill 568**

Senate Committee on Government Operations and Consumer Protection

Committee Chair & Members:

Thank you for this opportunity to provide comments on 2015 Senate Bill 568. The proposed legislation would, among many other provisions, eliminate the individual Sections of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors as well as revise the structure of this Joint Examining Board.

The Wisconsin Society of Architects, the state society of the American Institute of Architects (AIA), is opposed to the provisions related to eliminating the Architects Section and restructuring the Joint Examining Board.

**The American  
Institute of Architects**

**AIA Wisconsin**  
321 S Hamilton St  
Madison, WI 53703

**T (608) 257-8477**  
**[www.AIAW.org](http://www.AIAW.org)**

Currently, the individual Sections of the Joint Examining Board do most of the heavy lifting in terms of issues related to the licensing and regulation of their particular profession. The five-member Architects Section is active and operating effectively and efficiently in responding to items on its agenda in a timely fashion. We are not aware of any delays in regulatory decisions or any related business disruptions resulting from the existing structure.

In contrast, the proposed restructuring would not only reduce citizen participation in the state's licensing and regulatory process, it also could make the process more cumbersome and difficult to negotiate.

The Wisconsin Society of Architects (d.b.a. "AIA Wisconsin") represents over 1,300 individual members, including architects in private practice, business, industry, government and education. On behalf of these members, I encourage you to support amending the proposed legislation to remove provisions related to the Examining Board Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors and its individual Sections.

William M. Babcock, Hon. AIA  
Executive Director