

Wisconsin County Human Service Association
612 W. Main St., Suite 200
Madison, WI 53703
608-469-5903
Lisa Hassenstab, Executive Director
Chuck Price, Board President



Memo

To: Representative Joan Ballweg, Chair of the Assembly Committee for Review of Administrative Rules

From: WCHSA

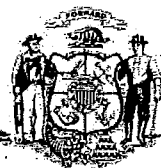
Date: [Date]

Re: AB 30

The Wisconsin County Human Service Association (WCHSA) wishes to convey our support for AB 30, which would maintain the requirement that new applicants for a social work license or certification review applicable Wisconsin laws and take one or more examinations to demonstrate that they have read the law.

WCHSA believes the requirement is an efficient and effective minimum standard which should be expected of an individual who wants to practice social work in the state of Wisconsin. Having an awareness and understanding of the Wisconsin statutes related to the practice of social work in Wisconsin is in the best interest of those who are seeking their license, their future employer, and the citizens of Wisconsin. We see no reason to shift from current practice; the current process allows for an across-the-board standard which is applied to all who seek a license or certification to practice social work in Wisconsin.

Thank you for your consideration, and please feel free to contact either of us with any questions.



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 Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (MPSW Examining Board), 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 on the specifics of state law in 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, elder 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 that 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 provide 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 in the 2015-16 legislative session.

On January 11, 2017, the Joint Committee for Review of Administrative Rules voted 10-0 (YES: Nass, Ballweg, LeMahieu, Stroebel, Larson, Wirch, Neylon, Ott, Hebl, Anderson; NO: none) to introduce LRB 1239/2 and LRB 0954/2, which provide 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 6 and Assembly Bill 30 in the 2017-18 legislative session.

Passage of one of these bill in support of the JCRAR objection would permanently remove the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board's (MPSW Examining Board) ability to promulgate Clearinghouse Rule 15-082, and provide the necessary statutory authority to continue administering the state's jurisprudence social worker exam.



Stephen L. Nass

Wisconsin State Senator

AB 29/SB 5 & AB 30/SB 6 JCRAR Objection Bills: Social Worker Licensure & Examinations

Testimony of Senator Steve Nass

Senate Committee on Health & Human Services

February 6, 2018 • 411 South, State Capitol

Thank you Chairwoman Vukmir for holding a hearing on Assembly Bills 29 & 30 and their companions Senate Bills 5 & 6. These bills are required by state statute to sustain objections made by the Joint Committee for Review of Administrative Rules (JCRAR) as part of the Legislature's administrative rule review process. When JCRAR objects to a proposed rule, the committee is required to introduce and pass legislation to make the objection permanent.

During the 2015-16 Legislative Session, JCRAR voted to object to two proposed administrative rules of the Marriage & Family Therapy, Professional Counseling, and Social Work Examining Board (MPSW). The parts of the rules that were objected to relate to licensure requirements for clinical social workers and examinations required for social workers.

AB 29/SB 5

AB 29 and SB 5 is the result of JCRAR's objection to Clearinghouse Rule 14-057. JCRAR objected to part of the rule that eliminated a licensure requirement that clinical social worker applicants complete training based on the *Diagnostic and Statistical Manual of Mental Disorders* (commonly referred to as the DSM) as part of the required 1,000 hours of face-to-face client training in the diagnosis and treatment of individuals.

Past practice of the MPSW Examining Board was to require that the 1,000 hours of face-to-face client contact for clinical social workers include training in DSM. However, the Department of Safety & Professional Services (DSPS) legal counsel determined the Board lacked explicit statutory authority to support that requirement. This legislation provides statutory authority for the Board to require that applicants for licensure as a clinical social worker complete training in DSM as part of their 1,000 hours of face-to-

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11th Senate District

P.O. Box 7882 • Madison, WI 53707-7882 • (608) 266-2635

Toll Free: (800) 578-1457 • E-mail: Sen.Nass@legis.wi.gov

face client contact. The objection and introduction of this legislation was approved by JCRAR on a 10-0 vote.

Senate Substitute Amendment 1 reflects a compromise reached between the industry and JCRAR co-chairs. It allows the MPSW Examining Board to determine the appropriate number of DSM training hours, up to a maximum of 600 that can be required as part of the 1,000 hours of face-to-face client contact needed for licensure as a clinical social worker. The amendment helps to ensure that clinical social worker licensure requirements in Wisconsin are not overly restrictive compared to other states.

AB 30/SB 6

AB 30 and SB 6 is the result of JCRAR's objection to Clearinghouse Rule 15-082, relating to application and exams for social worker licensure. JCRAR objected to part of the rule that eliminated the requirement that applicants for social worker certification or licensure pass a Wisconsin-specific jurisprudence exam relating to the practice of social work. Standard practice for testing since 1995 has been to require passage of a two-part exam: 1) the federal social work exam, and 2) the Wisconsin jurisprudence exam.

This legislation provides clear statutory authority for the MPSW Examining Board to continue to require the two-part exam for social worker certification or licensure. The additional exam ensures that certified social workers have a basic knowledge of Wisconsin laws affecting the practice of social work in critical areas, such as the investigation of allegations of child abuse, elder abuse, mental health law, laws affecting juveniles, and other similar areas. The objection and introduction of this legislation was approved by JCRAR on a 10-0 vote.

Thank you for the opportunity to provide testimony in support of this legislation. If committee members have further questions, I am happy to answer them at this time.



JOAN BALLWEG

PO Box 8952, State Capitol
Madison, Wisconsin 53708-8952
Toll-free: (888) 534-0041
Fax: (608) 282-3641
Rep.Ballweg@legis.wi.gov

WISCONSIN STATE REPRESENTATIVE

41ST ASSEMBLY DISTRICT

Senate Bill 5: Practice Requirement for Licensures as a Clinical Social Worker
Senate Bill 6: Examinations for Certification or Licensure by the Marriage and Family Therapy,
Counseling, and Social Work Examining Board (MPSW) Board
Testimony of State Representative Joan Ballweg
Senate Committee on Health and Human Services
February 6, 2018

Thank you, Chair Vukmir and members of the Committee on Health and Human Services for holding a public hearing on Senate Bills 5 and 6. Joining me is Adam Field from Senator Nass's office.

Senate Bill 5 is the result of the Joint Committee for Review of Administrative Rule's (JCRAR) objection to a portion Clearinghouse Rule 14-057. JCRAR objected to part of CR 14-057's provision that eliminated the requirement that an applicant for licensure as a clinical social worker complete training in the diagnosis and treatment of individuals based on the *Diagnostic and Statistical Manual of Mental Disorders*, commonly referred to as the DSM.

There are six parts of the DSM that social workers can train on; one of those parts is the diagnosis and treatment of individuals. Currently, the Marriage and Family Therapy, Counseling, and Social Work Examining Board (MPSW) does not have statutory authority to require under MPSW Administrative Code 3.09(3) that the 1,000 hours of face-to-face client training include training in the diagnosis and treatment of individuals based on the DSM. As a result, MPSW 3.09(3) is currently unenforceable. The sub amendment will allow MPSW 3.09(3) to be enforced by giving the board explicit statutory authority to require up to 600 of the 1,000 hours of face-to-face client training to include the diagnosis and treatment of individuals based on the DSM.

Senate Bill 6 is the result of JCRAR's objection to a portion of Clearinghouse Rule 15-082. JCRAR's objection to the provision that eliminated the requirement that certain applicants for certification or licensure by the MPSW board pass an examination that tests an applicant's knowledge of state law relating to the practice for which the applicant is seeking certification or licensure.

CR 15-082 was proposed since the board does not have explicit statutory authority to require multiple examinations by administrative rule. Senate Bill 6 will give the board the explicit authority they require to allow for one or more examinations to be licensed.

Standard practice for testing has been a two part exam. Legislation signed by Governor Thompson in 1992, and required since 1995, required both the federal social work exam and the Wisconsin jurisprudence exam. This ensures that new certified social workers have a basic knowledge of the laws affecting the practice of social work in critical areas, such as the 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.

Thank you for considering these bills, and I am happy to answer any questions.