

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

**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF SOCIAL
EXAMINING BOARD OF SOCIAL : WORKERS, MARRIAGE AND FAMILY
WORKERS, MARRIAGE AND FAMILY : THERAPISTS AND PROFESSIONAL
THERAPISTS AND PROFESSIONAL : COUNSELORS ADOPTING RULES
COUNSELORS : (CLEARINGHOUSE RULE 98-053)**

TO: Scott Jensen
Speaker of the Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS is submitting in final draft form proposed rules relating to continuing education requirements for renewal of social worker certificates.

If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson
Governor

Marlene A. Cummings
Secretary

1400 E WASHINGTON AVENUE
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MADISON WISCONSIN 53708-8935
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Administrative Rules in Final Draft Form

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

Rule: Chapter SFC 8

Relating to: Continuing Education

Clearinghouse Rule: No. 98-053

Regulatory Boards

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

Committed to Equal Opportunity in Employment and Licensing

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

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE :
EXAMINING BOARD OF SOCIAL : **REPORT TO THE LEGISLATURE**
WORKERS, MARRIAGE AND : **ON CLEARINGHOUSE RULE 98-053**
FAMILY THERAPISTS AND : **(s. 227.19 (3), Stats.)**
PROFESSIONAL COUNSELORS :

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS:

Application forms are being prepared.

III. FISCAL ESTIMATES:

The fiscal estimate for these rules was updated after final revisions were made to the rules. A copy of the updated fiscal estimate is attached.

IV. STATEMENT EXPLAINING NEED:

Sections 457.03 (3) and 457.22, Stats., authorize the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, upon the advice of the Social Worker Section, to promulgate rules establishing requirements and procedures for social work certificate holders to complete continuing education programs or courses of study in order to qualify for renewal. Under s. 457.22, Stats., the rules may not require an individual to complete more than 30 hours of continuing education programs or courses of study in order to qualify for certification renewal. Under s. 457.22, Stats, the Social Worker Section may determine to waive all or part of the requirements established in the rules promulgated if it determines that prolonged illness, disability or other exceptional circumstances have prevented a certificate holder from completing the requirements.

In this proposed rule-making order the board creates Chapter SFC 8 relating to continuing education requirements for renewal of social worker certificates every 2 years. Under this proposed rule, every social worker, advanced practice social worker, independent social worker and independent clinical social worker certificate holder is required to complete continuing education in order to qualify for certification renewal on July 1 of every odd-numbered year. Social worker certificate holders are required to complete in each 2-year

certification period at least 30 hours of approved continuing education with at least 2 hours in social work ethics

The proposed rule establishes qualifying subject matter and criteria for approval of continuing education programs that may count toward the continuing education renewal requirement. If the continuing education requirements are not met, certificate holders must cease and desist from using a social worker title protected under ch. 457, Stats. unless the Social Worker Section grants a postponement or waiver for prolonged illness or disability, or on other grounds constituting extreme hardship.

The rule provides an exemption to the continuing education renewal requirement for certificate holders who received initial social worker certification within the 2-year certification period immediately preceding their first certification renewal date. Persons who have held a similar certificate as social workers in another state and who are applying for social worker certification in Wisconsin are required to have completed 30 hours of continuing education within the 2 years immediately prior to application.

The rule also establishes requirements, criteria and procedures by which sponsors of continuing education programs may apply for and obtain section approval for continuing education credit under this chapter. Sponsors seeking continuing education program approval are required to apply for approval at least 75 days prior to the program date. Sponsors are required to submit detailed information on the program subject matter, the program sponsor, the qualifications of the program instructors and/or presenters, and are required to agree to monitor attendance, furnish each participant with a certificate of attendance and retain attendance records for a minimum period of 4 years. The rule establishes requirements and procedures by which a certificate holder may apply for continuing education approval if the program sponsor has not applied for approval. The rule also establishes requirements and procedures for continuing education approval for "self-developed programs," such as social work courses and seminars taught by a certificate holder for the first time, published books or articles authored by the certificate holder, or formal papers presented at professional meetings. The rule provides that not more than 10 hours of continuing education credit may be approved for self-developed programs in each 2-year certification period, and also specifies maximum continuing education hours that may be approved for books and articles.

V. MODIFICATIONS TO RULES:

No modifications were made to the proposed rules as a result of the hearing testimony and comments. Modifications were made to the draft submitted to the Clearinghouse to respond to Clearinghouse comments and for purposes of clarification:

- 1) The applicability of the definitions in s. SFC 1.02 was modified to include Chapter SFC 8.
- 2) The titles to ss. SFC 8.02 and 8.05 were modified.

3) Section SFC 8.02 (4) was modified to be more clear as to when the certificate holder is to make the documents available and when the 4-year period begins.

4) Section SFC 8.02 (1) (a) to (i) was renumbered to s. SFC 8.02 (1) to (9). Section SFC 8.02 (2) was renumbered to s. SFC 8.03. Section SFC 8.02 (3) was renumbered to s. SFC 8.04. Section SFC 8.02 (4) was renumbered to s. SFC 8.05. And s. SFC 8.03 was renumbered to s. SFC 8.06.

5) The language in s. SFC 8.02 (3) "To meet the continuing education requirement, a certificate holder shall attest to the section completion of 30 hours of approved continuing education" was moved to s. SFC 8.01.

6) Both of the terms "biennium" and "2-year certification period" were used throughout the rules. The rules have been modified to only use "2-year certification period" for consistency.

VI. NOTICE OF PUBLIC HEARING:

A public hearing was held on May 19, 1998. The following individuals appeared at the public hearing in support of the proposed rules: Lenore DeLoughery, LaValle, Wisconsin, representing the Wisconsin Society for Clinical Social Work (also submitted written comments); Sandra Stephens, Madison, Wisconsin; William Heiss, Madison, Wisconsin, representing the UW-Madison School of Social Work; Donna Ulteig, Madison, Wisconsin, representing NASW Wisconsin Chapter; and Joe Dooley, Madison, Wisconsin, representing Mount Mary College. Linda A. Hall, Madison, Wisconsin, representing the Wisconsin Association of Family & Children's Agencies appeared, registering against the proposed rules.

Written comments in support of the proposed rules:

James A. Blackburn, Professor and Dean, University of Wisconsin Milwaukee, School of Social Welfare, Milwaukee, WI

Keith Myers, President, Washington State Society for Clinical Social Work

Bob Johnson, MS, CICSW, Director of American Foundation of Counseling Services, Inc., Green Bay, WI

Kenneth Czaplewski, President, St. Rose Residence, Inc., Milwaukee, WI

Written comments opposed to the rules:

John R. Grace, Executive Director, Wisconsin Association of Family & Children's Agencies, Madison, WI

David Johnson, President/CEO, Family Service, Madison, WI

Thomas E. Martin, President, Family Service Association, Green Bay, WI

M. Sathya Babu, Executive Director, Taylor Home, Racine, WI

Gary Thompson, Administrative Director, Rawhide, New London, WI

Tom Schneider, ACSW, Executive Director, Catholic Charities of the Archdiocese of Milwaukee, Inc., Milwaukee, WI
James E. Jones, ACSW, Executive Director, Family Service Association of Beloit, Beloit, WI

Marlene Cummings, Secretary of the Department of Regulation and Licensing, submitted an alternative draft of the proposed rules that was not adopted by the Board.

VII. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

In Comment 5.d., the Clearinghouse suggested amending the rules relating to submittal of applications by sponsors for approval of continuing education programs further in advance of the program date than 75 days. The Board declined to make that change.

The remaining recommendations suggested in the Clearinghouse Report were accepted in whole.

VIII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

The Department's Small Business Review Advisory Committee reviewed these proposed rules on May 29, 1998. Attached is a summary of the comments made by committee members, as well as the response to those comments by the Social Worker Section.

FISCAL ESTIMATE

DOA-2048 (R10/94)

- ORIGINAL UPDATE
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. CR 98-053	Amendment No.
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Subject: Create rules relating to continuing education requirements for renewal of social worker certificates

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- | | | |
|--|---|---|
| <input type="checkbox"/> Increase Existing Appropriation | <input type="checkbox"/> Increase Existing Revenues | <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget |
| <input type="checkbox"/> Decrease Existing Appropriation | <input type="checkbox"/> Decrease Existing Revenues | No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> |
| <input type="checkbox"/> Create New Appropriation | | <input type="checkbox"/> Decrease Costs |

Local: No local government costs

- | | | |
|--|--|--|
| 1. <input checked="" type="checkbox"/> Increase Costs
<input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenue
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of local government units affected:
<input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities |
| 2. <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Decrease Revenue
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others _____ |
| | | <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |

Fund Sources Affected

- GPR FED PRO PRS SEG-S

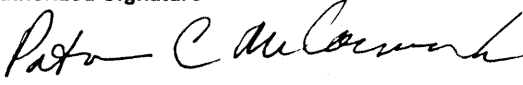
Affected Ch. 20 Appropriations
20.165 (1) (g)

Assumptions Used in Arriving at Fiscal Estimate

Implementation of this rule would have a substantial fiscal impact on the operations of the Department of Regulation and Licensing. This rule requires approval of continuing education programs submitted by certificate holders and approval of self-developed programs by the Social Worker Section of the Joint Board of Social Workers, Marriage and Family Therapists and Professional Counselors. It also allows for the section to conduct audits or investigations to determine compliance by credential holders. Board time would be increased significantly in order to preapprove all courses and programs that are not preapproved which will increase costs associated with travel and per diems. The department estimates that each monthly section meeting would increase from a one day meeting to at least a one and a half day meeting. This would translate into an increase of \$1,500 for per diems and \$8,640 for travel, lodging and meals. Approval of continuing education programs would increase staff workloads in the Office of Education as well as in the Bureau of Health Service Professions. Preapproval requirements would increase phone calls and letters and the amount of paperwork staff would need to generate. Responding to requests for information and clarification of the rules would be very time-consuming. Sponsors who are denied would follow-up with additional communication back to the department through phone calls and letters. In addition, these rules require submission of more documents, review of materials and contain more detail than most of the other professions which mandate continuing education as a condition for credential renewal.

As a result, the department would need two additional Program Assistant 2 positions. One position would respond to the phone calls, letters and e-mail; and staff the continuing education reviews at the monthly Social Worker Section meetings. The other position would co-share the duties related to continuing education, serving as the back-up at section meetings, assist with calls and letters and conduct any audits requested by the section. The department anticipates that additional staff could be required if the section delegates actual review and approval of continuing education applications to the staff. Costs associated with hiring two positions include \$43,906 for salaries, \$16,450 for fringe benefits, \$10,346 for space and supplies and services, and \$9,000 in one-time costs to pay for office furniture and computer equipment. Total annual agency costs for implementation of this rule are estimated to be \$80,842, with additional one-time costs of \$9,000. The department also estimates that there may be local costs associated with implementation of this rule related to allowing social workers employed by the counties to attend continuing education courses on work time. Additional costs could include course fees, meals, lodging and mileage.

Long-Range Fiscal Implications

Agency/Prepared by: Department of Regulation and Licensing Patricia C. McCormack (608) 267-2435	Authorized Signature 	Date 10/26/98
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FISCAL ESTIMATE WORKSHEET

1997 Session

Detailed Estimate of Annual Fiscal Effect

ORIGINAL UPDATE
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.	Amendment No.
CR98-053	

DOA-2047 (R10/94)

Subject: Create rules relating to continuing education requirements for renewal of social worker certificates


I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
 One-time costs for office furniture and computer equipment are \$9000.

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$61,856	
(FTE Position Changes)	(2.0 FTE)	(- FTE)
State Operations - Other Costs	\$18,986	-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$ 80,842	\$ -
B. State Costs by Source of Funds		
GPR	\$	\$ -
FED		-
PRO/PRS	\$80,842	-
SEG/SEG-S		-
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
GPR Taxes	\$	\$ -
GPR Earned		
FED		-
PRO/PRS		
SEG/SEG-S		-
TOTAL State Revenues	\$ 0	\$

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 80,842	
NET CHANGE IN REVENUES	\$ 0	

Agency/Prepared by:
 Department of Regulation and Licensing
 Patricia C. McCormack
 (608) 267-2435

Authorized Signature


Date
 10/26/98



State of Wisconsin
DEPARTMENT OF REGULATION AND LICENSING
CORRESPONDENCE/MEMORANDUM

DATE: June 11, 1998 FILE REF: SBRAC Rule Review-
May 28, 1998

TO: Kimberly Nania, Bureau Director
Examining Board of Social Workers, Marriage and Family Therapists and
Professional Counselors

FROM: Myra L. Shelton, Executive Assistant
SBRAC Committee Coordinator-Office of the Secretary

SUBJECT: Comments on SFC 8 administrative rule relating to biennial continuing education
requirements for social worker certification renewal.

The Small Business Review Advisory Committee reviewed SFC 8 rule on May 28, 1998. Listed are actual comments from the committee members' attached evaluations regarding the impact of this rule on small businesses.

- A substantial number of small businesses in the affected professions will be impacted - higher business costs will result from paying course tuitions, additional record keeping to prove a person has attended a course, also there is an impact on competition within each profession. There is also the potential of a cost impact to the taxpayers as a result of social workers employed by government needing to take these courses.
- Cost in terms of time and money of attending required training. May mean lost revenues as well. **How to reduce/eliminate adverse impact-** a) Less stringent compliance or reporting requirements. For those with lapsed licenses limit makeup period regarding CEU's to last biennium in order to be in compliance. b) Less stringent schedules or deadlines. Reduce required CEU's per biennium. 30 CEU's seems too high just to keep current.
- CE for SW's not having been demonstrated to significantly improve the quality of licensee's abilities should NOT be required. 30 hours of high priced training may be excessive. Should not be required to make up for past missed CE's. Not recommended. **How to reduce/eliminate adverse impact-**a) Less stringent compliance or reporting requirements. b) Exempting small business from some or all requirements of the rule.

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SBRAC Comments-SFC 8

- You must connect pay to knowledge and skills. This will require verification by testing. I would like to see professional development training. Enforcement to verify compliance with rules. Some cost possibly for business that reimburse employees. 30 hours is a lot of time for CEU's-perhaps 15-20 would be reasonable. 30 hours that would be large expense on service provider. **How to reduce/eliminate adverse impact-a) Replacing design or operational standards with performance standards.**
- Independent social workers will bear entire cost of class, possibly even travel and hotel expenses social workers affiliated with organizations will have expenses paid by organization. Need to make CE optional. This would help small business. They could take CE when it was convenient for them and not on a strict time schedule. **How to reduce/eliminate adverse impact- a) Less stringent schedules or deadlines.**
- The rule exempts national and state associations from submitting course for review while requiring others to do so. That's a double standard based upon a weak assumption that associations' courses will meet the standard. I suggest random sampling and oversight as a minimum. Courses should be accessible to the little people. Courses sponsored by association should be free standing and not part of another association meeting. The rule places small businesses in a lesser role by requiring them to submit courses for approval while exempting associations.

attachment: evaluations

cc: Secretary Marlene A. Cummings
William Dusso, General Counsel
Robert Ganch, Legal Board Counsel

/mls

RESPONSE BY SOCIAL WORKER SECTION TO SMALL BUSINESS REVIEW ADVISORY COMMITTEE'S ANALYSIS OF SFC 8

Cornelia Gordon Hempe ACSW, CICSW, CISW
Chair, Social Worker Section

The Small Business Review Advisory Committee reviewed SFC 8 rule as part of the rule making process. We appreciate the time its members devoted to the assessment. However, the Social Worker section would like to present its perspective on the committee's evaluation. Clearly there are substantive philosophical differences in the way in which representatives of each body perceive their respective professional world views.

Small business is part of the for-profit world, where finances and profit are of paramount importance. Social work exists to aid individuals, families and communities develop a greater psychosocial functioning, to attain a better person-environment fit, and to work for social justice. In particular, social work has had a historical mission to address the needs of society's most vulnerable and distressed members.

Most social workers are employed by either the government or public sector, or in the not-for-profit arena. The *raison d'être* for these organizations differs significantly from the for-profit world. It is evident from the remarks listed by the Small Business Review Advisory Committee that its members do not understand the differences in world views between the for-profit and social service organizations.

The for-profit world assumes that its clients are knowledgeable, competent, healthy and capable of operating at an optimal level. Clients lacking these competencies are often taken advantage of, unless such practices are prohibited by a code of ethics or legal regulation. Social work usually has clients who are seeking better mental, physical, social or economic health; their competency levels are not operating at an optimal level when they first seek assistance. Business and social work have clients who function at very different competency levels.

One of the criticisms leveled against continuing education is that "...small businesses in the affected professions will be impacted." Social work small businesses usually are counseling agencies, adoption agencies and supportive living organizations. While social workers who are also small business people anticipate financial profits, they still adhere to the profession's values and mission of serving those in need. The Wisconsin Society of Clinical Social Workers, which counts among its members many representatives of such agencies, has not opposed this regulation. Clearly the Small Business Review Advisory Committee is unaware of social workers who engage in small businesses. Tuition, registration fees, and travel expenses can be legitimately taken as business tax deductions.

Regarding the concern about additional record keeping: yes, record keeping can be problematic for anyone, not just small businesses. However, for agencies which must record case notes, complete insurance forms, and provide lengthy court reports, record keeping of continuing education credits is minimal by comparison.

SFC 8 does not specify the exact manner in which continuing education can be obtained. While it has been customary for some to play up expensive continuing education programs in exotic locales, in reality most social workers and their employers cannot afford such training programs. Instead, they enroll in UW-Extension workshops of one or two days' duration: participate at in-service programs at Mendota Mental Health Institute; or attend agency-wide training sessions. Most agencies permit one or two days a year for staff training, and bear all or part of the cost. Agencies who work with highly vulnerable clients and are at high risk for legal liability usually require regular training as a matter of good risk management and employee retention.

Many of the small business members questioned the value which continuing education makes to protection of the public. Continuing education programs include those which assist in better identification of child sexual abuse; how to interview alleged victims of domestic abuse; how to train economic support staff in newly-mandated W-2 requirements; or how to identify potential suicide victims. Clearly these issues involve protection of the general welfare.

Past opposition to continuing education has often relied upon rather antiquated studies which questioned the value of continuing education. Now there are numerous, more current studies which clearly demonstrate the positive outcomes and benefits to clients of continuing education. It would be useful for the Small Business Review Advisory Committee to become acquainted with these studies and refer to them in future comments on continuing education. If this committee is statutorily mandated, its members should be equipped with the latest data and research so it can render the most knowledgeable opinions about continuing education.

We hope the Small Business Review Advisory Committee takes this memorandum in a spirit of good intentions, and will consider dialoging cooperatively with the Social Worker section in the future. Thank you for your consideration of our concerns.

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

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF SOCIAL
EXAMINING BOARD OF SOCIAL : WORKERS, MARRIAGE AND FAMILY
WORKERS, MARRIAGE AND FAMILY : THERAPISTS AND PROFESSIONAL
THERAPISTS AND PROFESSIONAL : COUNSELORS ADOPTING RULES
COUNSELORS : (CLEARINGHOUSE RULE 98-053)

PROPOSED ORDER

An order of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors to *amend* SFC 1.02 (intro.); and to *create* chapter SFC 8 relating to continuing education requirements for renewal of social worker certificates.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 457.03 (3) and 457.22, Stats.

Statutes interpreted: ss. 457.03 (3) and 457.22, Stats.

Sections 457.03 (3) and 457.22, Stats., authorize the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, upon the advice of the Social Worker Section, to promulgate rules establishing requirements and procedures for social work certificate holders to complete continuing education programs or courses of study in order to qualify for renewal. Under s. 457.22, Stats., the rules may not require an individual to complete more than 30 hours of continuing education programs or courses of study in order to qualify for certification renewal. Under s. 457.22, Stats, the Social Worker Section may determine to waive all or part of the requirements established in the rules promulgated if it determines that prolonged illness, disability or other exceptional circumstances have prevented a certificate holder from completing the requirements.

In this proposed rule-making order the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors creates Chapter SFC 8 relating to continuing education requirements for renewal of social worker certificates every 2 years. Under this proposed rule, every social worker, advanced practice social worker, independent social worker and independent clinical social worker certificate holder is required to complete continuing education in order to qualify for certification renewal on July 1 of every odd-numbered year. Social worker certificate holders are required to complete in each 2-year certification period at least 30 hours of approved continuing education with at least 2 hours in social work ethics.

The proposed rule establishes qualifying subject matter and criteria for approval of continuing education programs that may count toward the continuing education renewal requirement. If the continuing education requirements are not met, certificate holders must cease and desist from using a social worker title protected under ch. 457, Stats. unless the Social Worker Section grants a postponement or waiver for prolonged illness or disability, or on other grounds constituting extreme hardship.

Certificate holders must retain documentary evidence of continuing education hours completed for a minimum period of 4 years.

A certificate holder who has been granted an exemption from the requirements of this chapter based on retirement from the active practice of social work under a certificate may not return to the active practice of social work without submitting evidence satisfactory to the section of having completed at least 30 hours of approved continuing education for each 2-year certification period during which the certificate holder was granted an exemption.

The rule provides an exemption to the continuing education renewal requirement for certificate holders who received initial social worker certification within the 2-year certification period immediately preceding their first certification renewal date. Persons who have held a similar certificate as social workers in another state and who are applying for social worker certification in Wisconsin are required to have completed 30 hours of continuing education within the 2 years immediately prior to application.

The rule also establishes requirements, criteria and procedures by which sponsors of continuing education programs may apply for and obtain section approval for continuing education credit under this chapter. Sponsors seeking continuing education program approval are required to apply for approval at least 75 days prior to the program date. Sponsors are required to submit detailed information on the program subject matter, the program sponsor, the qualifications of the program instructors and/or presenters, and are required to agree to monitor attendance, furnish each participant with a certificate of attendance and retain attendance records for a minimum period of 4 years. The rule establishes requirements and procedures by which a certificate holder may apply for continuing education approval if the program sponsor has not applied for approval. The rule also establishes requirements and procedures for continuing education approval for "self-developed programs," such as social work courses and seminars taught by a certificate holder for the first time, published books or articles authored by the certificate holder, or formal papers presented at professional meetings. The rule provides that not more than 10 hours of continuing education credit may be approved for self-developed programs in each 2-year certification period, and also specifies maximum continuing education hours that may be approved for books and articles.

The Social Worker Section intends that the rules will go into effect on July 1, 1999, the next certification renewal date.

TEXT OF RULE

SECTION 1. SFC 1.02 (intro.) is amended to read:

SFC 1.02 **Definitions.** (intro.) In chs. SFC 1 to 7 §, 10 to 18 and 20:

SECTION 2. Chapter SFC 8 is created to read:

Chapter SFC 8

CONTINUING EDUCATION

SFC 8.01 Continuing education required for certification renewal. On or before July 1 of every odd-numbered year following issuance of certification, every social worker, advanced practice social worker, independent social worker, and independent clinical social worker certificate holder shall, upon his or her application for certificate renewal submitted under s. SFC 1.08 (1), attest to having met the continuing education requirements specified under this chapter.

SFC 8.02 Continuing education requirements for certificate holders. (1) Unless granted a postponement or waiver under sub. (7), every social worker, advanced practice social worker, independent social worker, and independent clinical social worker certificate holder shall complete at least 30 hours of section-approved continuing education, at least 2 hours of which shall be in the subject area of social work ethics, which begins on July 1 of each odd-numbered year as specified in s. 457.20 (2), Stats.

(2) Continuing education hours shall apply only to the certification period in which the hours are acquired. If a certificate has been allowed to lapse, the section may grant permission to apply continuing education hours acquired after lapse of the certificate to a previous 2-year period of certification during which required continuing education was not acquired. In no case may continuing education hours be applied to more than one 2-year period of certification.

(3) Every certificate holder shall retain original documents showing attendance at programs and completion of self-developed programs for at least 4 years from the time that credit is claimed for the continuing education program under s. SFC 8.01. At the request of the social worker section, certificate holders shall deliver their original documents to the section.

(4) Unless granted a postponement or waiver under sub. (7), a certificate holder who fails to meet the continuing education requirements by the renewal deadline shall cease and desist from using the title of social worker under the certificate.

(5) During the time between initial certification and commencement of a full 2-year certification period, a new certificate holder shall not be required to meet continuing education requirements for the first renewal of his or her certification.

(6) Applicants from other states applying under s. 457.15 (1), Stats., shall submit proof of completion of at least 30 hours of continuing education substantially meeting the requirements of this chapter within the 2-year certification period prior to application.

(7) A certificate holder may apply to the section for a postponement or waiver of the requirements of this chapter on grounds of prolonged illness or disability, or on other grounds constituting extreme hardship. The section shall consider each application individually on its merits, and the section may grant a postponement, partial waiver or total waiver as deemed appropriate in the circumstances.

(8) The section may grant an exemption from the requirements of this chapter to a certificate holder who certifies to the section that he or she has permanently retired from using the title of social worker under his or her certificate.

(9) A certificate holder who has been granted an exemption from the requirements of this chapter based on retirement from the active practice of social work under his or her certificate may not return to the active practice of social work without submitting evidence satisfactory to the section of having completed at least 30 hours of approved continuing education for each 2-year certification period during which the certificate holder was granted an exemption.

SFC 8.03 Approval of continuing education programs submitted by sponsors. (1) To apply for approval of a continuing education program, a sponsor shall submit to the section at least 75 days prior to the program date the title, a general description, a detailed outline or syllabus of the program indicating the hourly schedule for the program, the learning objectives of the program, the target participants and intended audience, a copy of the program evaluation form or a description of the evaluation plan, the dates, the location, and the name and qualifications of the instructor of the program.

Note: Applications are available on request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935.

(2) An application for a continuing education program approval shall be approved if all of the following criteria are met:

(a) The subject matter is in one or more of the following:

1. Social work practice, knowledge and skills.
2. A field or subject area allied with and relevant to the practice of social work as determined by the section.
3. Theories and concepts of human behavior and the social environment.

4. Social work research, social policy and program evaluation, or social work practice evaluation.

5. Social policy and program administration or management.

6. Social work ethics.

7. A subject of current importance as designated by the section.

(b) The instructors or presenters of the program are properly qualified by education, training and experience to teach or present the subject matter of the program, as determined by the section.

(c) The sponsor agrees to monitor attendance, furnish to each participant a certificate of attendance, and retain and make available for inspection by the section or its designee attendance records for a minimum period of 4 years.

(3) A separate application shall be submitted for each continuing education program approval request.

(4) Continuing education programs may include subject matter other than those specified in sub. (2) (a); however, only the parts of the program that qualify under sub. (2) (a) are eligible for approval.

(5) Decisions regarding approval shall be made within 60 days after the regularly scheduled section meeting following receipt of the request for program approval.

(6) The social worker section may approve sponsors of continuing education programs:

(a) Continuing education programs provided by approved sponsors are not required to be approved under this section.

(b) To obtain approval as a continuing education sponsor, a sponsor shall submit evidence to the social worker section showing that the sponsor has provided at least 6 continuing education programs approved under this section within the 2 years preceding application for approval as a sponsor.

(c) All continuing education programs provided by an approved sponsor shall meet the requirements in this section. The sponsor shall retain records showing compliance with the requirements of this section for at least 4 years following the date on which the continuing education program is given and shall deliver the records to the department at the request of the social worker section.

(d) An approval granted under this section shall be for a 2-year period.

SFC 8.04 Approval of continuing education programs submitted by certificate holders. To obtain approval of a continuing education program for which the sponsor has not sought approval, a certificate holder shall submit to the section information including the title, general description, a detailed outline or syllabus of the program, the learning objectives of the program, the target participants and intended audience, a copy of the program evaluation form or a description of the evaluation plan, the dates, the location, and the name and qualifications of the instructor of the program.

SFC 8.05 Approval of self-developed programs. (1) The section shall consider granting continuing education approval for self-developed programs relating to one or more of the subject areas specified in s. SFC 8.03 (2) (a), submitted by a certificate holder, including social work courses and seminars taught for the first time by a certificate holder, published books or articles published in professional journals authored by a certificate holder, or formal papers presented by a certificate holder at meetings of a professional association.

Note: Applications are available on request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935.

(2) An application for a self-developed continuing education program shall include the following information as applicable:

(a) A detailed description of the self-developed program, including the subject matter, detailed outline, dates and hourly schedule, participants, bibliography of readings and other resources studied or consulted, and the sponsoring organization or professional group.

(b) An explanation of the manner in which the self-developed program is relevant to the certificate holder's professional practice of social work.

(c) For courses and seminars taught, the title, a general description, a detailed outline or syllabus, the learning objectives, the intended audience or participants, a copy of the evaluation form or a description of the evaluation plan, and the initial presentation date and location of the course or seminar.

(d) For published books, a copy of the title page, table of contents and abstract.

(e) For published articles, a copy of the cover of the professional journal, table of contents, and the article.

(f) For formal papers presented at a professional meeting, a copy of the meeting schedule and the formal paper presented.

(3) The section shall grant approval for no more than 10 hours of continuing

education for each 2-year certification period for self-developed continuing education programs. The section may grant approval for no more than 10 hours of continuing education for published books authored by a certificate holder, and no more than 5 hours of continuing education for published articles authored by a certificate holder. Approval may be given only for the 2-year certification period in which the book or article was published.

SFC 8.06 Compliance. The section may conduct audits or investigations to monitor or determine compliance by certificate holders with this chapter.

(END OF TEXT OF RULE)

Effective date: This chapter first applies to the 2-year certification period commencing July 1, 1999, and the July 1, 2001 certification renewal date.

Dated _____

Agency _____

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

FISCAL ESTIMATE

A copy of the updated fiscal estimate is attached to the Report to the Legislature.

FINAL REGULATORY FLEXIBILITY ANALYSIS

The department's Small Business Review Advisory Committee's comments are attached to the Report as well as the response from the Social Worker Section.

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10/28/98

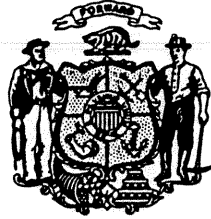
WISCONSIN LEGISLATIVE COUNCIL STAFF



RULES CLEARINGHOUSE

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Director
(608) 266-1946

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(608) 266-2982



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Legislative Council Staff
(608) 266-1304

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FAX: (608) 266-3830

CLEARINGHOUSE REPORT TO AGENCY

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

CLEARINGHOUSE RULE 98-053

AN ORDER to create chapter SFC 8, relating to biennial continuing education requirements for social worker certification renewal.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

04-01-98 RECEIVED BY LEGISLATIVE COUNCIL.

04-29-98 REPORT SENT TO AGENCY.

RS:LR:jt;kjf

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

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

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

Comment Attached YES NO

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

Comment Attached YES NO

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

Comment Attached YES NO

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

Comment Attached YES NO

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

Comment Attached YES NO

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

Comment Attached YES NO

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

Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

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CLEARINGHOUSE RULE 98-053

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

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

a. It appears that the applicability of the definitions in s. SFC 1.02 should be expanded to include ch. SFC 8.

b. In s. SFC 8.02 (1) (g), the section should also be authorized to issue a denial of an application for a waiver of the continuing education requirements.

c. In s. SFC 8.02 (2) (d), the comma after the number 1 in the last line of that paragraph should be deleted and the phrase "shall be" should be replaced by the word "are."

d. Section SFC 8.02 (2) (e) provides that decisions regarding approvals of continuing education courses shall be made within 60 days after the regularly scheduled section meeting following receipt of the request for program approval. In conjunction with s. SFC 8.02 (2) (a), which requires submittal of an application for approval by a sponsor at least 75 days prior to the program date, it appears there will be instances in which a sponsor will not receive program approval in time for the course to take place. Should the rule require that course approval requests be submitted even further in advance of the program date than 75 days?

e. Section SFC 8.02 (2) (f) provides that courses sponsored by certain organizations are automatically acceptable to the section and need not be submitted to the section for approval. What if these courses do not cover one of the designated subject areas specified in s. SFC 8.02 (2) (b) 1.? Are they still acceptable to the section?

f. Throughout the rule, the term "biennium" is used. Is this intended to mean the same thing as a two-year certification period? If so, one or the other of these terms should be used consistently throughout the rule.

g. In s. SFC 8.02 (4) (c), a certificate holder is permitted no more than five hours of continuing education for published articles authored by the certificate holder. Does this mean that five hours total is given for all articles published, or five hours for each article up to 10 hours per biennial certification period?



CLIFFORD OTTE

WISCONSIN STATE REPRESENTATIVE
27TH ASSEMBLY DISTRICT

December 3, 1998

TO: Members, Assembly Committee on Consumer Affairs

FROM: State Representative Clifford Otte
Chair, Assembly Committee on Consumer Affairs

RE: CR 98-053

I am writing to inform you that on Monday, December 7, 1998, I will be reporting Clearinghouse Rule 98-053, (relating to biennial continuing education requirements for social worker certification renewal), out of committee without recommendation pursuant to an agreement with the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors. The Board has agreed in writing to ask that the rule be returned to the Board to be resubmitted after the 1999-2000 Wisconsin Legislature convenes. A copy of the letter confirming the Board's decision is attached.

I personally objected to the rule. There are a number of individuals and organizations that are also opposed to this rule. I was willing to pursue changes at this time. However, I felt that rather than attempt to deal with a controversial rule when the current Legislature is in its final days (and I am about to leave office), it would be best to wait and let the next Legislature begin the review process with a fresh start. I am pleased to say that the Board agreed to this request. When our committee staff, (Russ Whitesel and Dan Young) meet with the Board, yesterday, they also encouraged them to make modifications to the rule prior to resubmitting it, in an effort try and address objections to it. I can not say what they will decide to do, modify the rule or simply resubmit it. I do encourage you to review it carefully when it returns to the Assembly.



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING



Tommy G. Thompson
Governor

Marlene A. Cummings
Secretary

December 3, 1998

1400 E WASHINGTON AVENUE
P O BOX 8935
MADISON WISCONSIN 53708-8935
E-Mail: dorl@mail.state.wi.us
(608) 266-2112
FAX#: (608) 267-0644

Charles Sanders
Chief Clerk
Wisconsin State Assembly
1 East Main Street, Suite 402
Madison, Wisconsin

Dear Mr. Sanders:

The Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, at their December 2, 1998 board meeting, voted and agreed to recall a proposed rule, Clearinghouse Rule 98-053, relating to continuing education requirements for renewal of social worker certificates, and to resubmit the rule after the first of the year under the authority of s. 227.19 (4) (b) 4., Stats. I understand that the committee review period will then begin again.

Thank you.

Sincerely,

William L. Dusso
Department Legal Counsel

cc: Senator Gary Drzewiecki, Chair
Business, Economic Development and Urban Affairs
Representative Clifford Otte, Chair
Consumer Affairs



CLIFFORD OTTE

WISCONSIN STATE REPRESENTATIVE
27TH ASSEMBLY DISTRICT

December 3, 1998

TO: Members, Assembly Committee on Consumer Affairs

FROM: State Representative Clifford Otte
Chair, Assembly Committee on Consumer Affairs

RE: CR 98-053

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I personally objected to the rule. There are a number of individuals and organizations that are also opposed to this rule. I was willing to pursue changes at this time. However, I felt that rather than attempt to deal with a controversial rule when the current Legislature is in its final days (and I am about to leave office), it would be best to wait and let the next Legislature begin the review process with a fresh start. I am pleased to say that the Board agreed to this request. When our committee staff, (Russ Whitesel and Dan Young) meet with the Board, yesterday, they also encouraged them to make modifications to the rule prior to resubmitting it, in an effort try and address objections to it. I can not say what they will decide to do, modify the rule or simply resubmit it. I do encourage you to review it carefully when it returns to the Assembly.



CLIFFORD OTTE

WISCONSIN STATE REPRESENTATIVE
27TH ASSEMBLY DISTRICT

December 4, 1998

Mr. William L. Dusso
Legal Counsel
Wisconsin Department of Regulation & Licensing
1400 East Washington Avenue
Madison, WI 53703

Dear Mr. Dusso:

I am writing to acknowledge your letters to the Senate and Assembly Chief Clerks of the decision of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors to agree to recall Clearinghouse Rule 98-053 and resubmit it under the authority of s.227.19 (4) (b), *Wisconsin Statutes*, after the 1999-2000 Wisconsin Legislature convenes. Based on their agreement to recall CR 98-053, I will not hold a public hearing on the rule. It will be reported out of committee without recommendation pursuant to the agreement of the Board to recall and resubmit it.

Please relay to the Board my appreciation of their willingness to take this action.

Sincerely yours,

CLIFFORD OTTE
Chair, Assembly Committee on Consumer Affairs

CO:day

Assembly

Committee Report

The committee on Consumer Affairs, reports without recommendation:

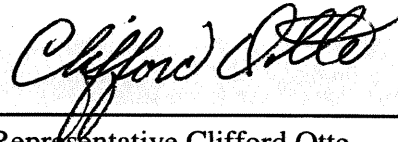
Clearinghouse Rule 98-053

Relating to biennial continuing education requirements for social worker certification renewal.

Submitted by the Department of Regulation and Licensing.

Report without recommendation is made pursuant to the December 2, 1998 action of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors voting and agreeing to recall CR 98-053 and resubmit the rule after the 1999-2000 Legislature convenes, as stated in the December 3, 1998 letters to the Chief Clerks of the Senate and Assembly from William L. Dusso, Legal Counsel, Wisconsin Department of Regulation & Licensing.

December 7, 1998 - NO ACTION



Representative Clifford Otte
Chair

Assembly

Record of Committee Proceedings

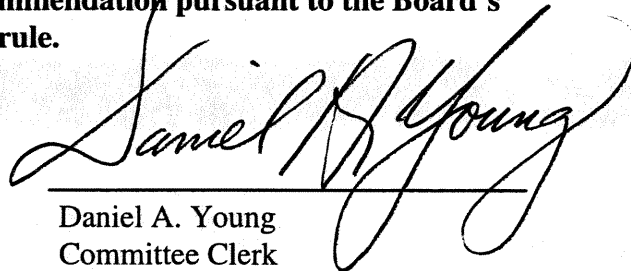
Committee on Consumer Affairs

Clearinghouse Rule 98-053

Relating to biennial continuing education requirements for social worker certification renewal.

Submitted by the Department of Regulation and Licensing.

- November 5, 1998 Referred to committee on Consumer Affairs.
- December 3, 1998 The Chief Clerks of the Senate and Assembly were informed by letters from William L. Dusso, Legal Counsel, Wisconsin Department of Regulation & Licensing, that on December 2, 1998, the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors voted and agreed to recall CR 98-053 and resubmit the rule after the 1999-2000 Legislature convenes.
- December 7, 1998 **NO ACTION TAKEN. CR 98-053 was reported out of committee without recommendation pursuant to the Board's agreement to recall the rule.**



Daniel A. Young
Committee Clerk