

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

**RULES CLEARINGHOUSE**

APR 02 1999

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**CLEARINGHOUSE REPORT TO AGENCY**

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[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 99-039**

AN ORDER to repeal SFC 3.02, 3.03, 3.04, 3.06, 3.08, 3.10, 11.03, 16.01 (3) and 16.02 (4) and chapter SFC 18; and to amend SFC 14.01 (2) (intro.) and 14.02 (2), relating to repeal of outdated provisions and to educational requirements for equivalency of academic programs for certification as professional counselors.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

03-05-99 RECEIVED BY LEGISLATIVE COUNCIL.  
03-30-99 REPORT SENT TO AGENCY.

RS:PS:jal;rv

**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

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 99-039

### 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 September 1998.]**

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

a. In the first paragraph of the analysis to this rule, considerable detail is provided regarding the provisions relating to social worker certification which are repealed in the rule, without providing any citations to those provisions. In contrast, the last sentence of the paragraph sets forth citations to several additional provisions proposed for repeal in the rule, but does not provide any explanation of those items or to whom they relate. The entire paragraph should be reviewed and rewritten in accordance with the requirements for a plain language analysis in s. 1.02 (2), Manual.

b. With one exception, the provisions in this rule proposed for repeal as being outdated are on their face out-of-date, with their references to activities which had to occur before a long-passed date such as May 1, 1993. However, it is not clear on its face why s. SFC 18.01 is being repealed. That provision relates to a required examination for certification as a marriage and family therapist. Specifically, that provision states that unless the applicant is exempt under s. SFC 18.02 (which is also being repealed) from the examination requirement, the applicant for a certificate as a marriage and family therapist must successfully complete "the examination consisting of the Wisconsin statutes and rules examination and the examination in marriage and family therapy of the association of marital and family therapy regulatory boards." Is s. SFC 18.01 being repealed because it has been supplanted by the language in s. 457.10 (4), Stats., which requires passage of an examination "approved by the marriage and family therapist section" as one of several requirements necessary to grant a marriage and family therapist certificate? Is it being repealed because of the references in s. SFC 16.01 (1) (c) and (2) (b) to

“successful completion of the examination required”? The rationale for repealing s. SFC 18.01 should be included in the analysis and the existence of the examination provisions in s. 457.10 (4), Stats., and s. SFC 16.01 (1) (c) and (2) (b) should also be noted in the analysis. Finally, with reference to the provisions in s. SFC 16.01 (1) (c) and (2) (b), it is suggested that a citation be added in those provisions to the statutory examination requirement in s. 457.10 (4), Stats.

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

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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 : THERAPISTS AND PROFESSIONAL  
FAMILY THERAPISTS AND : COUNSELORS ADOPTING RULES  
PROFESSIONAL COUNSELORS : (CLEARINGHOUSE RULE 99- )

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PROPOSED ORDER

An order of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors to *repeal* SFC 3.02, 3.03, 3.04, 3.06, 3.08, 3.10, 11.03, 16.01 (3), 16.02 (4) and chapter SFC 18; and to *amend* SFC 14.01 (2) (intro.) and 14.02 (2), relating to repeal of outdated provisions, and educational requirements for equivalency of academic programs for certification as professional counselors.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 457.03 (1), Stats.

Statutes interpreted: s. 457.12 (3), Stats.

In this proposed rule-making order the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors repeals those sections of the code relating to application for social worker certification without examination by persons who have engaged in the practice of social work prior to May 1, 1993; application for social worker certification without examination by persons who were employed as social workers after April 30, 1992, but before May 1, 1993; application for social worker certification without examination by persons employed as a social worker by a government agency between May 1, 1993, and May 31, 1994; application for certification as an advanced practice social worker without examination; application for certification as an independent social worker without examination; application for certification as an independent clinical social worker without examination, as those sections are now outdated. Sections SFC 11.03, 16.01 (3) and 16.02 (4) and Chapter SFC 18 are also repealed as they are outdated.

Sections SFC 14.01 (2) (intro.) and 14.02 (2) identify the educational requirements for equivalency of an academic program for purposes of certification as a professional counselor. Requirements for certification include successful completion of a counseling theory course.

Amending these sections will specify that the minimum number of 3 semester hours or 4 quarter hours are required for the counseling theory course.

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TEXT OF RULE

SECTION 1. SFC 3.02, 3.03 and 3.04 are repealed.

SECTION 2. SFC 3.06 is repealed.

SECTION 3. SFC 3.08 is repealed.

SECTION 4. SFC 3.10 is repealed.

SECTION 5. SFC 11.03 is repealed.

SECTION 6. SFC 14.01 (2) (intro.) is amended to read:

SFC 14.01 (2) (intro.) The course work included successful completion of at least 3 semester hours or 4 quarter hours academic credit in a supervised counseling practicum; at least 3 semester hours or 4 quarter hours academic credit in a counseling theory course; and at least one course of at least 3 semester hours or 4 quarter hours academic credit in at least 6 of the following 8 topic areas; and the course work included a total of at least 42 semester hours or 63 quarter hours of academic credit in counseling related courses distributed among at least 6 of the following 8 topic areas:

SECTION 7. SFC 14.02 (2) is amended to read:

SFC 14.02 (2) The course work included successful completion of at least 3 semester hours or 4 quarter hours academic credit in a supervised counseling practicum; at least 3 semester hours or 4 quarter hours academic credit in a counseling theory course; and at least one course of at least 3 semester hours or 4 quarter hours academic credit in each of the 8 topic areas defined in s. SFC 14.01 (2); and the course work included at least 48 semester hours or 72 quarter hours of academic credit distributed among those 8 counseling related topic areas.

SECTION 8. SFC 16.01 (3) is repealed.

SECTION 9. SFC 16.02 (4) is repealed.

SECTION 10. Chapter SFC 18 is repealed.

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(END OF TEXT OF RULE)

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The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated \_\_\_\_\_ Agency \_\_\_\_\_

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

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

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

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**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF SOCIAL  
EXAMINING BOARD OF : WORKERS, MARRIAGE AND FAMILY  
SOCIAL WORKERS, MARRIAGE : THERAPISTS AND PROFESSIONAL  
AND FAMILY THERAPISTS AND : COUNSELORS ADOPTING RULES  
PROFESSIONAL COUNSELORS : (CLEARINGHOUSE RULE 99-039)**

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TO: Senator Judy Robson, Senate Co-Chairperson  
Joint Committee for the Review of Administrative Rules  
Room 15 South, State Capitol  
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS is submitting in final draft form proposed rules relating to outdated provisions, and academic equivalency requirements for certification as a professional counselor.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

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State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

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## **Administrative Rules in Final Draft Form**

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

**Rule: SFC 14.01 and 14.02**

**Relating to:  
Academic Equivalency Requirements  
for Professional Counselors**

**Clearinghouse Rule:  
No. 99-039**

Regulatory Boards

Accounting; Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors; Professional Geologists, Hydrologists and Soil Scientists; Auctioneer; Barbering and Cosmetology; Chiropractic; Controlled Substances; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Podiatry; 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**

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**IN THE MATTER OF RULE-MAKING :**  
**PROCEEDINGS BEFORE THE :**  
**EXAMINING BOARD OF SOCIAL :** **REPORT TO THE LEGISLATURE**  
**WORKERS, MARRIAGE AND :** **ON CLEARINGHOUSE RULE 99-039**  
**FAMILY THERAPISTS AND :** **(s. 227.19 (3), Stats.)**  
**PROFESSIONAL COUNSELORS :**

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**I. THE PROPOSED RULE:**

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

**II. REFERENCE TO APPLICABLE FORMS:**

No new or revised forms are required by these rules.

**III. FISCAL ESTIMATES:**

These rules will have no significant impact upon state or local units of government.

**IV. STATEMENT EXPLAINING NEED:**

In 1993, the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors created rules to implement 1991 Wisconsin Act 160, relating to the certification of social workers, marriage and family therapists and professional counselors. Those rules set out the application procedures for applications made under the non-statutory "grandfather" provisions waiving one or more of the requirements for the generally applicable eligibility criteria. In this proposed rule-making order the board is repealing those sections of the code as they are now outdated provisions.

Sections SFC 14.01 (2) (intro.) and 14.02 (2) are amended to specify that the minimum number of 3 semester hours or 4 quarter hours are required for the counseling theory course.

**V. NOTICE OF PUBLIC HEARING:**

A public hearing was held on April 20, 1999. There were no appearances at the public hearing nor were any written comments received.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

Comment 5.a. and 5.b. The analysis has been rewritten.

Comment 5.b. Section SFC 18.01 was inadvertently repealed. It has now been amended and s. SFC 18.02 is repealed. The remainder of the recommendations suggested in the Clearinghouse Rule have been accepted in whole.

**VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:**

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

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 : THERAPISTS AND PROFESSIONAL  
FAMILY THERAPISTS AND : COUNSELORS ADOPTING RULES  
PROFESSIONAL COUNSELORS : (CLEARINGHOUSE RULE 99-039)

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PROPOSED ORDER

An order of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors to *repeal* SFC 3.02, 3.03, 3.04, 3.06, 3.08, 3.10, 11.03, 16.01 (3), 16.02 (4) and 18.02; and to *amend* SFC 14.01 (2) (intro.), 14.02 (2), 16.01 (1) (c) and (2) (b), and 18.01 relating to repeal of outdated provisions, and academic equivalency requirements for certification as a professional counselor.

Analysis prepared by the Department of Regulation and Licensing.

---

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 457.03 (1), Stats.

Statutes interpreted: s. 457.12 (3), Stats.

In 1993, the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors created rules to implement 1991 Wisconsin Act 160, relating to the certification of social workers, marriage and family therapists and professional counselors practicing within the state. Those rules set out the application procedures for applications made under the various non-statutory "grandfather" provisions waiving one or more of the requirements of the generally applicable eligibility criteria. Those rule provisions related to applications in each classification without the necessity of taking an examination, for applications filed on or before May 31, 1995; for applications for certification as a certified social worker on the basis of employment by a government agency as a social worker, and for applications for certification as a certified social worker on the basis of a bachelor's degree and a period of actual practice of social work.

In this proposed rule-making order the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors repeals those sections of the code as they are now outdated provisions. The following sections relate to social workers: Section SFC 3.02, application for social worker certification without examination by persons who have engaged in the practice of social work prior to May 1, 1993. Section SFC 3.03, application for social worker

certification without examination by persons who were employed as social workers after April 30, 1992 but before May 1, 1993. Section SFC 3.04, application for social worker certification without examination by persons employed as a social worker by a government agency between May 1, 1993 and May 31, 1994. Section SFC 3.06, application for certification as an advanced practice social worker without examination. Section SFC 3.08, application for certification as an independent social worker without examination. Section SFC 3.10, application for certification as an independent clinical social worker without examination.

The following section relates to professional counselors: Section SFC 11.03, exceptions to examination requirement for professional counselors. This section relates to applications filed on or before May 31, 1995.

The following section relates to marriage and family therapists: Section SFC 16.01 (3), for individuals who do not possess a master's or doctoral degree in marriage or family therapy but have completed the educational and practice requirements. This section relates to applications filed on or before May 31, 1995.

Sections SFC 14.01 (2) (intro.) and 14.02 (2) are amended to identify the academic equivalency requirements for certification as a professional counselor. Requirements for certification include successful completion of a counseling theory course. Amending these sections will specify that the minimum number of 3 semester hours or 4 quarter hours are required for the counseling theory course.

Section SFC 16.01 (1) (c) and (2) (b) are amended to include the citation to the statutory examination requirement.

Section SFC 16.02 (4) is repealed as it relates to applications filed on or before May 31, 1995. Section SFC 18.01 is amended and s. SFC 18.02 is repealed, because there is no longer an exception to the examination requirement which applied to applicants applying on or before May 31, 1995.

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#### TEXT OF RULE

SECTION 1. SFC 3.02, 3.03 and 3.04 are repealed.

SECTION 2. SFC 3.06 is repealed.

SECTION 3. SFC 3.08 is repealed.

SECTION 4. SFC 3.10 is repealed.

SECTION 5. SFC 11.03 is repealed.

SECTION 6. SFC 14.01 (2) (intro.) is amended to read:

SFC 14.01 (2) (intro.) The course work included successful completion of at least 3 semester hours or 4 quarter hours academic credit in a supervised counseling practicum; at least 3 semester hours or 4 quarter hours academic credit in a counseling theory course; and at least one course of at least 3 semester hours or 4 quarter hours academic credit in at least 6 of the following 8 topic areas; and the course work included a total of at least 42 semester hours or 63 quarter hours of academic credit in counseling related courses distributed among at least 6 of the following 8 topic areas:

SECTION 7. SFC 14.02 (2) is amended to read:

SFC 14.02 (2) The course work included successful completion of at least 3 semester hours or 4 quarter hours academic credit in a supervised counseling practicum; at least 3 semester hours or 4 quarter hours academic credit in a counseling theory course; and at least one course of at least 3 semester hours or 4 quarter hours academic credit in each of the 8 topic areas defined in s. SFC 14.01 (2); and the course work included at least 48 semester hours or 72 quarter hours of academic credit distributed among those 8 counseling related topic areas.

SECTION 8. SFC 16.01 (1) (c) and (2) (b) are amended to read:

SFC 16.01 (1) (c) Verification of successful completion of the examination required under s. 457.10 (4), Stats.

(2) (b) Verification of successful completion of the examination required under s. 457.10 (4), Stats.

SECTION 9. SFC 16.01 (3) is repealed.

SECTION 10. SFC 16.02 (4) is repealed.

SECTION 11. SFC 18.01 is amended to read:

SFC 18.01 ~~Unless the applicant is exempt under s. SFC 18.02 from the examination requirement, an~~ An applicant for a certificate as a marriage and family therapist shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and the examination in marriage and family therapy of the association of marital and family therapy regulatory boards.

SECTION 12. SFC 18.02 is repealed.

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(END OF TEXT OF RULE)

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The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

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

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

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

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