

SEP 07 2001

LCRC
FORM 2



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

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 01-094

AN ORDER to amend SFC 3.13 (3) (a), relating to the minimum number of hours to be required in a social worker training certificate internship.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

08-03-01 RECEIVED BY LEGISLATIVE COUNCIL.

08-31-01 REPORT SENT TO AGENCY.

RNS:AS:jal;tlu

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 RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 01-094

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

The analysis of the rule states that the Social Worker Section of the Examining Board is promulgating this rule. Is it actually the Examining Board, with the advice of the Social Worker Section, that is promulgating the rule? If so, this should be clarified.

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 01-)

PROPOSED ORDER

An order of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors to amend SFC 3.13 (3) (a), relating to the minimum number of hours to be required in a social worker training certificate internship.

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. 457.09 (1) (c) and (4m) (b), Stats.

The Social Worker Section of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors amends s. SFC 3.13 (3) (a) to specify a minimum number of hours to be required in an internship performed by a holder of a social worker training certificate. Holders of social worker training certificates must complete either a human services internship or one year of supervised social work experience. Current law specifies no minimum duration for an internship. Specifying a minimum number of hours for a human services internship will help to protect the public by ensuring that holders of social worker training certificates, who by definition are seeking to enter the social work profession without an adequate background, supplement their education and experience.

TEXT OF RULE

SECTION 1. SFC 3.13 (3) (a) is amended to read:

SFC 3.13 (3) (a) A human services internship of at least 400 hours that was part of the program leading to the degree the certificate holder specified to satisfy the requirement in s. 457.09 (1) (c) and (4m) (b), Stats., or completed while holding the training certificate, and involved direct practice with clients and that was supervised by a social worker certified under s. 457.08, Stats., and who has a bachelor's or master's degree in social work and provides direct, on-site supervision of the intern.

(END OF TEXT OF RULE)

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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8/2/01

OCT 25 2001

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 : WORKERS, MARRIAGE AND FAMILY
SOCIAL WORKERS, MARRIAGE : THERAPISTS AND PROFESSIONAL
AND FAMILY THERAPISTS AND : COUNSELORS ADOPTING RULES
PROFESSIONAL COUNSELORS : (CLEARINGHOUSE RULE 01-094)

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 rules relating to the minimum number of hours to be required in a social worker training certificate internship.

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.

**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 01-094**
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:

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:

The Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors amends s. SFC 3.13 (3) (a) to specify a minimum number of hours to be required in an internship performed by a holder of a social worker training certificate. Holders of social worker training certificates must complete either a human services internship or one year of supervised social work experience. Current law specifies no minimum duration for an internship. Specifying a minimum number of hours for a human services internship will help to protect the public by ensuring that holders of social worker training certificates, who by definition are seeking to enter the social work profession without an adequate background, supplement their education and experience.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on September 18, 2001. Gail Johnson, NASW-WI, Milwaukee, appeared in support of the proposed rules. There were no other appearances at the public hearing nor were any written comments received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

The recommendation suggested in the Clearinghouse Report was accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

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

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10/25/01

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 01-094)

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Analysis prepared by the Department of Regulation and Licensing.

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TEXT OF RULE

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s. 457.08, Stats., and who has a bachelor's or master's degree in social work and provides direct, on-site supervision of the intern.

(END OF TEXT OF RULE)

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

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3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

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

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10/25/01

**WISCONSIN DEPARTMENT OF
REGULATION & LICENSING**

Scott McCallum
Governor
Oscar Herrera
Secretary



1400 East Washington Avenue
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January 16, 2002

Representative Gregg Underheim
Chair, Assembly Committee on Health
Room 11 North, State Capitol

Dear Representative Underheim:

The Social Worker Section of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors met today and considered modifications to the proposed rule changes in CR 01-094. As part of that discussion, the Section invited comments from Professor Richard Salem, who attended the entire discussion.

The Section agreed that the effective date of the proposed rule change could present a problem for students in ongoing academic programs, and the Section voted to modify the proposed rule to set an effective date of August 1, 2002. Based on the need to ensure that holders of social work training certificates be prepared to practice safely, for the protection of the public, the Section decided not to depart from the recommended guidelines of the Council on Social Work Education, and not to modify the minimum number of hours for a social work internship from the 400 in the current proposal.

I have attached a revised copy of the proposed rule change. Please proceed with the committee review.

Sincerely,

A handwritten signature in black ink, appearing to read "John Schweitzer".

John Schweitzer, Legal Counsel

att: Revised version of CR 01-094

cc: Senator Judy Robson, Chair, Senate Committee on Human Services and Aging
Oscar Herrera, Secretary, DRL
Kimberly Nania, Bureau Director, Health Services Professions
William Dusso, General Counsel
Pamela Haack, Rules Clerk
All members of the Social Workers Section

CR 01-094 revised 01/16/02

Language for proposed rule regarding a minimum number of hours to be required in a Social Worker Training Certificate internship.

SFC 3.13 Social worker training certificate.

...

(3) **INTERNSHIP AND EMPLOYMENT.** To qualify to take the national social work examination, a training certificate holder shall demonstrate to the section, by written certification from his or her supervisor sent directly to the section, that he or she engaged in and successfully completed one of the following:

(a) A human services internship of at least 400 hours that was part of the program leading to the degree the certificate holder specified to satisfy the requirement in s. 457.09 (1) (c) and (4m) (b), Stats., or completed while holding the training certificate, and involved direct practice with clients and that was supervised by a social worker certified under s. 457.08, Stats., and who has a bachelor's or master's degree in social work and provides direct, on-site supervision of the intern.

1. A human services internship shall be approved by the section provided that the supervising social worker certifies on forms provided by the department that the internship provided training and experience, and the student demonstrated competency, in each of the following areas:

- a. Evaluation and assessment of difficulties in psychosocial functioning of a group or another individual.
- b. Developing plans or policies to alleviate those difficulties, and either carrying out the plan or referring individuals to other qualified resources for assistance.
- c. Intervention planning, which may include psychosocial evaluation and counseling of individuals, families and groups; advocacy; referral to community resources, and facilitation of organizational change to meet social needs, based on subd. 1.a.
- d. Knowledge of other disciplines relevant to the evaluation of clients, plans and policies to alleviate client difficulties, and intervention planning.
- e. The ability to intervene effectively on behalf of diverse populations and populations most vulnerable and discriminated against, including development of cultural competence, provision of culturally competent services, and ability to collaborate with others to develop services.
- f. Application of professional ethics and standards in the delivery of social work services to clients.

2. A human services internship completed prior to August 1, 1995, that otherwise qualifies under par. (a), may be approved by the section if it was supervised by a person holding a bachelor's or master's degree in social work and in good professional standing, but who was not certified under s. 457.08, Stats.

...

The effective date of this rule change is August 1, 2002.

1/16/02 jns

**WISCONSIN DEPARTMENT OF
REGULATION & LICENSING**

Scott McCallum
Governor
Oscar Herrera
Secretary



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April 16, 2002

Senator Judith Robson
Co-Chair, Joint Committee on Review of Administrative Rules
Room 15 South, State Capitol

Representative Glenn Grothman
Co-Chair, Joint Committee on Review of Administrative Rules
Room 15 North, State Capitol

Dear Senator Robson and Representative Grothman:

The Social Worker Section of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors met today and voted to withdraw its request for a rule change to require a minimum of 400 hours in an internship taken by a holder of a social work training certificate, CR 01-094.

Sincerely,

Douglas V. Knight, Chair

cc: **Gregg Underheim**, Chair, Assembly Committee on Health
Oscar Herrera, Secretary, DRL
Kimberly Nania, Bureau Director, Health Services Professions
William Dusso, General Counsel
Pamela Haack, Rules Clerk
All members of the Social Workers Section