April 7, 2016 – Introduced by Joint Committee for Review of Administrative Rules. Referred to Committee on Health and Human Services.

An Act to amend 457.08 (1) (c), 457.08 (2) (c), 457.08 (3) (d), 457.08 (4) (d), 457.10 (4), 457.12 (4) and 457.16 (2); and to create 457.03 (1m) of the statutes; relating to: examinations for certification or licensure by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board and requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board to promulgate rules establishing examination requirements for certification and licensure by the board. Under current law, the board’s examinations for certification and licensure must generally test an applicant’s minimum competency in subjects substantially related to the practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling, as appropriate. The bill specifies that the board’s examinations for certification and licensure may include an examination that tests an applicant’s knowledge of state law relating to the relevant practice.

The bill is introduced as required by s. 227.19 (5) (e), stats., in support of the objection of the Joint Committee for Review of Administrative Rules on March 3, 2016, to promulgation by the board of a portion of clearinghouse rule number 15-082. The relevant portion of the proposed rule provides for the elimination of the requirement that certain applicants for certification or licensure by the board pass...
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an examination that tests an applicant’s knowledge of state law relating to the practice for which the applicant is seeking certification or licensure.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 457.03 (1m) of the statutes is created to read:

457.03 (1m) Upon the advice of the social worker section, marriage and family therapist section, and professional counselor section, and consistent with s. 457.16, promulgate rules establishing examination requirements for certification and licensure under this chapter.

SECTION 2. 457.08 (1) (c) of the statutes is amended to read:

457.08 (1) (c) Passes an examination one or more examinations approved by the social worker section to determine minimum competence to practice as a social worker as specified in the rules promulgated under s. 457.03 (2).

SECTION 3. 457.08 (2) (c) of the statutes is amended to read:

457.08 (2) (c) Passes an examination one or more examinations approved by the social worker section to determine minimum competence to practice as an advanced practice social worker as specified in the rules promulgated under s. 457.03 (2).

SECTION 4. 457.08 (3) (d) of the statutes is amended to read:

457.08 (3) (d) Passes an examination one or more examinations approved by the social worker section to determine minimum competence to practice as an independent social worker as specified in the rules promulgated under s. 457.03 (2), or passes the Academy of Certified Social Workers examination administered by the National Association of Social Workers.
except that the examining board may require an individual who passes the Academy of Certified Social Workers examination to also pass an examination approved by the examining board that tests the individual’s knowledge of state law relating to independent social work.

**SECTION 5.** 457.08 (4) (d) of the statutes is amended to read:

457.08 (4) (d) Passes an examination one or more examinations approved by the social worker section to determine minimum competence to practice as a clinical social worker.

**SECTION 6.** 457.10 (4) of the statutes is amended to read:

457.10 (4) Passes an examination one or more examinations approved by the marriage and family therapist section to determine minimum competence to practice marriage and family therapy.

**SECTION 7.** 457.12 (4) of the statutes is amended to read:

457.12 (4) Passes an examination one or more examinations approved by the professional counselor section to determine minimum competence to practice professional counseling.

**SECTION 8.** 457.16 (2) of the statutes is amended to read:

457.16 (2) Examinations shall consist of written or oral tests, or both, requiring applicants to demonstrate minimum competency in subjects substantially related to the practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling, as appropriate, and may include an examination that tests an applicant’s knowledge of state law relating to the relevant practice.