



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 02-125

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 2002.]

2. Form, Style and Placement in Administrative Code

a. In the relating clause of the proposed order, the notation “ch.” should be changed to “chapter,” and the words “Music,” “Art,” “Dance,” and “Therapists” should not be capitalized.

b. In the analysis, the SECTION (denoted incorrectly as “s.”) numbers for the listed changes are incorrect, because the changes shown as being in SECTIONS 3 and 4 are actually both in SECTION 3 of the rule, throwing the rest of the renumbering off. In general, the analysis would be more helpful if it were rewritten in narrative rather than list form, to provide a *description* of the effect of the rule, “with sufficient detail to enable the reader to understand the content of the rule and the changes made, if any, in existing rules.” [s. 1.02 (2) (b), Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. In the analysis, the statement of statutes interpreted should set forth the *specific* statutory provisions being interpreted, rather than referring only to ch. 440, Stats. as a whole. Section s. 1.02 (2) (a), Manual, requires inclusion of a reference to “any statute that the rule interprets.” At a minimum, s. 440.03 (14) (am), Stats., as created in 2001 Wisconsin Act 80, should be cited, since it sets forth the required elements of this rule.

b. In s. RL 140.02 (4m), the correct citation to the statutory definition of “psychotherapy” is s. 457.01 (8m), Stats., which was repealed and recreated in Act 80, effective November 1, 2002.

c. In s. RL 141.07 (1), the citation “s. R 141.04 (1) and (2), Stats.” should read: “s. RL 141.04 (1) and (2).”

d. Sections RL 141.05 (1) (a) and 141.06 (1) refer to forms. The department should ensure that the requirements of s. 227.14 (3), Stats., are met. For example, see the note to s. RL 141.04 (1) (a).

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

a. In s. RL 141.01 (3), the first “all” could be deleted. Similarly, in s. RL 141.04 (1) (c), “all” could be deleted at the beginning of the sentence and the phrase “all of” inserted before “the following.”

b. Section RL 141.03 (3) (a) and (b) can be collapsed into one paragraph in the following way: “Whether the applicant has been convicted of, or at the time of application charged with, a crime or . . . license.” Paragraph (c) can be renumbered as par. (b). Also, in s. RL 141.03 (3) (c), the phrase “required by” should be replaced by the phrase “described in.” [See also s. RL 141.04 (1) (c).]

c. In the treatment clause to SECTION 5, the commas after “(intro.)” and after “(c)” should be replaced by “and.”

d. In s. RL 141.02 (1) (intro.), “shall” on line 3 should be retained, as it is the appropriate word to express a mandatory action, as noted in s. 1.01 (2), Manual. The same comment pertains to “must” on line 4 of s. RL 142.06.

e. In s. RL 141.02 (1) (c), what different meaning is intended in changing “certifying” to “verifying”? It would seem that a person other than the applicant for renewal would be called upon to verify that the document had not been revoked. This comment also pertains to the use of “verifying” in s. RL 141.05 (1) (c).

f. In s. RL 141.02 (2), the sentence would be clearer if “his or her registration” were retained.

g. The wording of the note following s. RL 141.02 (2) is confusing. If the intent is that the person renewing his or her registration with psychotherapy license only pays one fee to renew both the registration and the license, the “and” on line 3 should be deleted and the last word should be changed from “registration” to “license.” Also, this provision appears to be substantive and may belong in the text rather than in a note. [See s. 1.09 (1), Manual.]

h. To avoid the possible impression that s. RL 141.04 pertains to all persons applying for a psychotherapy license, rather than only to persons registered as music, art, or dance therapists who are applying for such a license, it is suggested that “applicant” in sub. (1) (intro.) be changed to “registrant,” which is a defined term in current s. RL 140.02 (5).

i. In s. RL 141.04 (1) (intro.), the phrase “all of” should be inserted before the phrase “the following.” [See also ss. RL 141.04 (1) (c) (intro.) and 141.07 (2) (a) (intro.) and (b) (intro.).]

j. In s. RL 141.04 (3) (a), is the phrase “doctoral degree in a related field, music” correctly presented?

k. Section 1.01 (9), Manual, discourages the use of slashed alternatives. Can the phrase “dance/movement therapy” on lines 2 and 5 of s. RL 141.04 (5) (a) and the note following s. RL 142.03 (2) be changed to “dance or movement therapy” without changing the meaning?

l. In s. RL 141.04 (5) (b), line 7, “ADTR” is shown as an acronym for “the academy of dance therapists registered,” not for an individual, yet the sentence goes on to say that an applicant must receive supervision “from an ADTR” as a secondary supervisor, if the applicant’s primary supervisor is not a member of the academy. Should it instead provide that the applicant must have a person who is a member of the academy as secondary supervisor in that situation? In general, the use of acronyms can be confusing; the acronyms either should be spelled out or should be defined in s. RL 140.02. The entire rule should be reviewed for the use of acronyms.

m. In s. RL 141.05 (1) (intro.), a comma should be inserted after “registration” on line 4.

n. In s. RL 141.05 (2), the phrase “with license” should be inserted after “registration” on line 2.

o. In s. RL 141.07 (1), it is unclear why the acronym “WMTR” is included, as it does not appear to stand for “registered music therapist,” which precedes it, and it is not used subsequently. If it refers to an organization that registers music therapists and its reference is necessary, the full name should be provided. Finally, what is meant by having “the equivalent” of at least 3,000 hours of supervised psychotherapy practice? What else qualifies besides the actual hours of practice?

p. The following comments pertain to s. RL 141.07 (1), (2), and (3), relating to grandfathering, for purposes of granting psychotherapy licenses, persons who were registered prior to November 1, 2002 as music therapists, art therapists, and dance therapists:

- Subsection (1) requires music therapists to satisfy the requirements of s. RL 141.04 (1) and (2), which include submitting an application, fee, and specified information, and passing an examination on the Wisconsin statutes and rules that relate to the profession, while subs. (2) and (3) make no mention of those requirements for art therapists and dance therapists. Not including art and dance therapists appears to be inconsistent with s. RL 141.04 (1), which requires *every* applicant for a psychotherapy license to meet those requirements.
- The settings in which a person may obtain “the equivalent of at least 3,000 hours of the supervised practice of psychotherapy” are spelled out for the art therapist in sub. (2) (a) 2., but not for the music therapist in sub. (1). Subsection (3) makes no mention of hours of supervised psychotherapy practice for dance therapists. This seems inconsistent with s. RL 141.04 (3) (b), (4) (b) and (5) (b), which require music, art, and dance therapists, respectively, to obtain those practice hours.

- Subsection (1) uses the term “registrant” to refer to a music therapist who is applying for a license to practice psychotherapy, while subs. (2) and (3) use “individual.” Consistent terminology should be used.
- Subsection (2) differentiates between, and contains different requirements for, two types of art therapists: “a registered art therapist, board certified” and “a registered art therapist.” Similarly, sub. (3) differentiates between, and has different requirements for, two types of dance therapists: “a person registered as an academy of dance therapists registered” and “a dance therapist registered.” Music therapists are not differentiated by type. Why are they treated differently?

Also, why are two categories of art therapists and dance therapists differentiated for grandfathering purposes, but not elsewhere in the rule? For example, s. RL 141.04, which governs applications by music, art, and dance therapists for licenses to practice psychotherapy, does not use those terms, but refers to applicants being “registered music therapists,” “registered art therapists” and “registered dance therapists” under s. 440.03 (14) (a), Stats. These distinctions for art and dance therapists are particularly confusing because it is unclear whether the term “registered” in their titles is different from being “registered” as an art or dance therapist under that statute.

If these distinctions are retained, a rationale should be provided in the analysis as to why different types of therapists are treated differently in this rule section. This should include an explanation of why certain therapists may only renew their licenses to practice psychotherapy one time, while others are not so restricted. Also, the text should include definitions for each type of therapist to clarify how they are distinguishable. If possible, less awkward terms should be used for “registered art therapist, board certified,” “person registered as an academy of dance therapists registered,” and “dance therapist registered.”

Finally, the language in sub. (2) should be redrafted so it is clearer which requirements apply to a board certified registered art therapist and which apply to a registered art therapist. Currently, one has to read through several lines to realize that sub. (2) (a) pertains to the former, and sub. (2) (b) and (c) to two variations of the latter.

q. In the treatment clause to SECTION 7, a period should be inserted after “7.” The same comment applies to SECTIONS 8 and 9.

r. In s. RL 142.01 (2), why is the phrase “or comply with infection control procedures” eliminated from the rule? This could be explained in the analysis.

s. In s. RL 142.06, “and” on line 7 should be changed to “or.”