



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 RULE 03-058

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

In s. MPSW 13.01 (2) (c) and (3), the acronym “DSM” does not appear to be defined in the rule or statute, and should be defined if it is to be used. In general, acronyms or other abbreviations should be used only to improve readability. [See s. 1.01 (8), Manual.] The acronym could be defined in s. MPSW 1.02.

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

The first sentence of the analysis states: “This proposed rule-making order requires that applicants for licensure as a Professional Counselor pass the National Counselor Mental Health Certification Examination (NCMHCE).” However, this appears incorrect, because the rule governing the examination required for licensure as a professional counselor is s. MPSW 11.02 and the proposed rule amends s. MPSW 13.01. The latter provision, amended by the proposed rule, governs whether individuals who are already licensed as a professional counselor may engage without supervision in psychotherapy or psychotherapeutic counseling. In addition, it appears that the reference under “Statutes interpreted” to s. 457.12, Stats., is incorrect for the same reason.

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

a. In s. MPSW 13.01 (2) (intro.), the passive phrase “shall be demonstrated by evidence of all of the following, submitted to the department” should be expressed using the active voice. For example: “A licensed professional counselor shall demonstrate qualification to engage

without supervision in psychotherapy or psychotherapeutic counseling by submitting evidence of all of the following to the department for section approval.” [See s. 1.01 (1), Manual.]

b. Under s. 457.12 (3), Stats., the Professional Counselor Section is required to grant a professional counselor license to any individual who, among other things, *either* engaged in the equivalent of at least 3,000 hours of professional counseling practice after receiving a master’s degree in professional counseling or its equivalent [s. 457.12 (3) (a), Stats.], *or* “[r]eceived a doctorate degree in professional counseling or its equivalent, and, either during or after the doctorate degree program or its equivalent, engaged in the equivalent of at least 1,000 hours of full-time professional counseling practice....” [s. 457.12 (3) (b), Stats.]

This raises two questions about the rule’s requirement of 3,000 hours of post-master’s practice in two years. Since 2001 Wisconsin Act 80 eliminated the two-year requirement and replaced it with a 3,000-hour requirement, should the two-year requirement also be eliminated in s. MPSW 13.01 (2) (c) or is its retention in that rule intentional? Also, will persons who have a doctorate degree in professional counseling be required to satisfy the 3,000-hour requirement in order to practice psychotherapy without supervision or will the 1,000 hours required for licensure be sufficient?