

Clearinghouse Rule 06-054

STATE OF WISCONSIN
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING
AND SOCIAL WORK EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : MARRIAGE AND FAMILY THERAPY,
MARRIAGE AND FAMILY THERAPY, : PROFESSIONAL COUNSELING AND
PROFESSIONAL COUNSELING AND : SOCIAL WORK EXAMINING BOARD
SOCIAL WORK EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 06-)

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to amend s. MPSW 11.02, relating to required examinations for licensure as a professional counselor.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

Section 457.12 (4), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) and 457.03 (3), Stats.

Explanation of agency authority:

Under s. 457.03, Stats., the Professional Counselor Section is charged with establishing examination requirements for becoming a licensed professional counselor. The section has determined that the National Counselor Mental Health Certification Examination is an additional examination that adequately measures competency and is therefore seeking to amend its rule to include it. Furthermore, the section is seeking the authority to review other examinations that applicants may have taken in order to determine whether those too adequately measure competency.

Related statute or rule:

There are no related statutes or rules other than those listed above.

Plain language analysis:

This proposed rule-making order will permit applicants for licensure as professional counselors to take and pass examinations that would demonstrate their professional competency. Currently, either the National Counselor Examination or the Certified Rehabilitation Counselor Examination is required for licensure. This proposal would give applicants an additional option of being able to take the National Counselor Mental Health Certification Examination. It would also permit the section to approve another examination that it deems to be equivalent to the other three. As a result, the proposed change would permit applicants who take and successfully pass one of three examinations or an equivalent one approved by the section to become eligible for licensure as a professional counselor.

This amendment will provide greater flexibility to applicants while maintaining protection of the public. Presently, those individuals who take and pass the National Counselor Mental Health Certification Examination must also take and pass the National Counselor Examination in order to be eligible for licensure as a Wisconsin professional counselor, thereby resulting in an unnecessary barrier to licensure.

SECTION 1 amends the existing rule to include the National Counselor Mental Health Certification Examination and also permits the section to accept additional examinations that it deems to be equivalent to the other ones.

Summary of, and comparison with, existing or proposed federal regulation:

There is no existing or proposed federal regulation.

Comparison with rules in adjacent states:

Illinois:

NCE or CRCC pursuant to:

Section 1375.60 Examination – Professional Counselor

- a) The examination administered by the Department for licensure as a professional counselor shall be the National Counselor Examination (NCE) of the National Board for Certified Counselors (NBCC). The passing score on the examination shall be the passing score established by the testing entity.
- b) The Department shall accept passage of the Certified Rehabilitation Counselor Examination of the Commission on Rehabilitation Counselor Certification (CRCC). The passing scores on the examinations shall be the passing scores established by the testing entity.
- c) The Department shall accept the National Counseling Examination (NCE) taken and passed, according to Department standards, in Illinois or in another jurisdiction

Michigan:

NCE or CRCC pursuant to:

R 338.1752 (3) (b) i & ii Application requirements; licensure by examination:

(b) Have passed either of the following examinations with a converted score of not less than 75:

(i) The national counselor examination developed by the national board for certified counselors.

(ii) The certification examination developed and scored by the commission on rehabilitation counselor certification.

Minnesota:

NCE or Equivalent Examination as determined by the board pursuant to:

148B.53 (Sub. 1) (a) (5) Requirements for licensure:

(5) has demonstrated competence in professional counseling by passing the National Counseling Exam (NCE) administered by the National Board for Certified Counselors, Inc. (NBCC) or an equivalent national examination as determined by the board, and ethical, oral, and situational examinations if prescribed by the board.

Iowa:

NCE, CRCC or NCMHCE pursuant to:

645—31.3(1)(b) Examination requirements:

b. For a mental health counselor license shall take and pass the National Counselor Examination of the NBCC, or the National Clinical Mental Health Counselor Examination of the NBCC, or the Certified Rehabilitation Counselor Examination of the CRCC.

Summary of factual data and analytical methodologies:

The Professional Counselor Section is amending its rules based on the section's professional experience for requirements for licensure. A review of surrounding state licensure supports the section's proposal. Iowa allows passage of the NCMHCE and Minnesota allows for passage of examinations determined equivalent by their board.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:

There are no supporting documents determining effect on small business. The rules change does not affect small business as it does not place any additional regulatory requirements for attaining professional counseling licensure.

Section 227.137, Stats., requires as "agency" to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council.

The Department of Regulation and Licensing is not included as an “agency” in this section.

Fiscal estimate:

The Department of Regulation and Licensing estimates that this rule will require time in the Division of Professional Credentialing. The total staff salary and fringe is estimated at \$57.

Anticipated costs incurred by private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Effect on small business:

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935. Telephone: (608) 266-0495. Email: pamela.haack@drl.state.wi.us.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935. Email pamela.haack@drl.state.wi.us. Comments must be received on or before August 1, 2006, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 11.02 is amended to read:

MPSW 11.02 Examination required. An applicant for licensure as a professional counselor shall ~~pass both parts of the examination required under s. 457.12 (4), Stats., consisting of take and pass the Wisconsin statutes and rules examination, and either one of the national counselor examination or the certified rehabilitation counselor examination~~ following: the National Counselor Examination, the National Counselor Mental Health Certification Examination, the Certified Rehabilitation Counselor examination, or another examination approved by the section. Both parts of the examination may be taken prior to the completion of the required period of supervised practice.

(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.), Wis. Stats.

Dated _____

Agency _____

Chairperson
Marriage and Family Therapy,
Professional Counseling and
Social Work Examining Board

MPSW 11.02 CR06- (Required examinations – PC) Draft to CH 5-24-06