

Clearinghouse Rule 11-028

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

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE :
MARRIAGE AND FAMILY THERAPY, : NOTICE OF PUBLIC HEARING
PROFESSIONAL COUNSELING AND :
SOCIAL WORK EXAMINING BOARD :
:

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board in §§ 15.08(5)(b), 227.11(2), 457.03(1), Wis. Stats., and interpreting § 459.09, Wis. Stats., the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, Social Worker Section will hold a public hearing at the time and place indicated below to consider an order to

Hearing Date, Time and Location

Date: June 1, 2011
Time: 9:00 a.m.
Location: 1400 East Washington Avenue
Room 121C
Madison, Wisconsin

APPEARANCES AT THE HEARING:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Division of Board Services, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be held on June 1, 2011, to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

§ 459.09, Wis. Stats.

Statutory authority:

§§ 15.08(5)(b), 227.11(2), 457.03(1), Wis. Stats.

Explanation of agency authority:

Pursuant to s. 457.03(1), Wis. Stats., the Joint Board of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board Social Work has the authority upon the advice of the social worker section to promulgate rules establishing minimum standards for educational programs that must be completed for certification or licensure as a social worker under this chapter.

Related statute or rule:

§ 457.09, Wis. Stats.

Plain language analysis:

The purpose of the proposed rules is to clarify and improve the Social Work Training Certificate (SWTC) procedure, to reduce confusion among prospective applicants, and to streamline the certificate approval process by clarifying the requirements for approval of one of the qualifying degree programs. The Social Work Training Certificate was created by the Legislature to allow students with undergraduate degrees in a small number of social-science majors to obtain basic-level social work certification by completing a number of social work courses and a supervised internship or work experience.

Section 1 repeals the language in MPSW 3.13(1) (a)1 and adds language that defines the standards for a human services program to be approved by the section. This Section repeals the language in MPSW 3.13(1)(a)2 and adds language to define the standards for an approved human services major. This Section repeals the language in MPSW 3.13(1)(a)3 and the note which follows because the proposed revisions in MPSW 3.13(1)(a)1 and MPSW 3.13(1)(a)2 provide definitive standards for approving a human services degree. .

Section 2 amends MPSW 3.13(2) to add language that increases the total number of required social work courses to be taken by the applicant while holding the Social Worker Training Certificate. The proposed rule clarifies the courses must be successfully completed and not merely taken. The proposed rule specifies the educational background of the course instructor, the type of educational materials to be used, and the minimum number of courses which must be taken at the same institution.

Section 3 amends the language in MPSW 3.12(2)(b) to increase the number of social work practice and methods courses required to obtain social worker degree equivalency and an overall description of the nature of the qualifying coursework.

Section 4 amends the language in MPSW 3.13(2)(b)1 to describe the categories of social work practice and methods courses required to be completed to obtain social worker degree equivalency.

Section 5 amends the language in MPSW 3.13(2)(b)(2) to describe the learning outcomes under the social work practice coursework and to describe the skills which the coursework will prepare the student to perform.

Section 6 renumbers the subparagraphs following MPSW 3.13(2)(b)2 to accommodate the new proposed language in MPSW 3.13(2)(b)1.

Section 7 repeals MPSW 3.13(2)(b)5 in its entirety due to proposed revisions in MPSW 3.13(2)b.

Section 8 amends MPSW 3.13(2)(b) to add three new competencies that are required for the qualifying social work methods courses.

Section 9 amends MPSW 3.13(2)(c) to add language which expands the theories and knowledge to be included in the human behavior in the social environment (HBSE) course.

Section 10 repeals MPSW 3.13(3)(a) 1 in its entirety due to proposed language in MPSW 3.13(3m).

Section 11 renumbers MPSW 3.13(3)(a)2 due to the repeal of MPSW 3.13(3)(a)1.

Section 12 amends the language in MPSW 3.13(3)(b) to eliminate the language allowing the one year of social work employment to be completed in the applicant's degree program. Employment is not part of a program leading to the degree.

Section 13 repeals MPSW 3.13(b)1 in its entirety due to proposed language in MPSW 3.13(3m). This Section repeals MPSW 3.13(3)(b)2 in its entirety due to the grandfather time period for employment while holding the social worker training certificate has passed.

Section 14 creates MPSW 3.13(3m) to add new language describing the human services internship and employment competencies and to reflect the learning outcome and skills to be obtained in the internship or employment.

Section 15 amends MPSW 3.13(4) to add proposed language which requires the student intern and the internship supervisor to enter into a learning contract to facilitate the goals and expectations of the internship.

Section 16 amends MPSW 3.13(6)(b) to describe the type of changes made to an approved human services program which require the submittal of the program to the section for approval.

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

There is no existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

Comparison with rules in adjacent states:

Illinois:

Illinois does not have a training certificate, temporary license, or diploma equivalency comparable to MPSW § 3.13. Illinois grants only two types of social work license:

- a *clinical social work* license requires a doctorate degree in social work with the completion of at least 2,000 hours of supervised clinical professional experience or a master's degree in social work with the completion of 3,000 hours of supervised clinical professional experience;
- a *social work* license requires a graduate degree in social work or an undergraduate degree in social work with the completion of at least 3 years of supervised professional experience subsequent to obtaining the degree.

Other than fulfilling the requirements of these two licenses, an applicant cannot obtain a new social work license in Illinois (with the exception of licensed social workers moving into Illinois from another state or country). For more information, please see the Illinois statutes here: <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1295&ChapterID=24>

Iowa:

Iowa does not have a training certificate, temporary license, or diploma equivalency comparable to MPSW § 3.13. Iowa grants four types of social work license with the following educational requirements:

- *Bachelor level social worker* – evidence that the applicant possesses a bachelor's degree in social work from an accredited school
- *Master level social worker* – evidence that the applicant possesses a master's degree in social work or doctoral degree in social work from an accredited school
- *Independent level social worker* – evidence that the applicant possesses a master's degree in social work or a doctoral degree in social work from an accredited school, and have the equivalent of two years of full-time post-master's social work degree practice or 4000 hours of post-master's social work degree experience over a minimum of two-year and maximum of six-year period
- *Foreign-trained social worker* – equivalency evaluation of their educational credentials by International Educational Research Foundations and a notarized copy of the certificate or diploma awarded to the applicant from a social work program in the country in which the applicant was educated

For more information, please see Chapter 280 of the Professional Licensure [645] of the Iowa Administrative Rules here:

http://search.legis.state.ia.us/nxt/gateway.dll/ar/iac/6450_professional%20licensure%2

Michigan:

Michigan does not have a training certificate, temporary license, or diploma equivalency comparable to MPSW § 3.13. Michigan grants two types of social work license:

- A licensed bachelor's social worker must have a bachelor's degree in social work and complete at least 2 years of full-time postbachelor's degree experience, or the equivalent in part-time hours, in the practice of social work at the bachelor's level under supervision of a licensed master's social worker; and
- A licensed master's social worker must have a master's or doctoral degree in social work and complete at least 2 years of full-time postmaster's/postdoctoral degree experience, or the equivalent in part-time hours, in the practice of social work at the master's level under supervision of a licensed master's social worker.

The Board may grant a limited license to applicants to engage in the 2-year post degree experience required under Michigan's social work licensing requirements if the applicant has completed all the educational requirements for licensure.

In addition, Michigan offers a "Social Service Technician" license, which allows an individual who is specially trained to practice only under the supervision of a licensed master's or bachelor's social worker to work under such licensed social worker. An individual may be registered as a social service technician if s/he:

- Has 1 year of social work experience or completed 2 years of college that included some coursework relevant to human services areas; and
- Is employed in the practice of social work and applies social work values, ethics, principles, and skills, or has the equivalent of 2,000 hours of service in social work.

For more information, please see Part 185 of Chapter 333 of the Michigan statutes here: [http://www.legislature.mi.gov/\(S\(5xo1jau0c41qwsirrdwvopze\)\)/mileg.aspx?page=getObject&objectName=mc1-368-1978-15-185](http://www.legislature.mi.gov/(S(5xo1jau0c41qwsirrdwvopze))/mileg.aspx?page=getObject&objectName=mc1-368-1978-15-185).

Minnesota:

Minnesota does not have a training certificate or diploma equivalency comparable to MPSW § 3.13. Minnesota does offer a temporary license. The Minnesota temporary license grants a licensee to temporarily engage in social work practice for 6 to 12 months, depending on the type of the temporary license. The temporary license may be available in the following situations:

- For students or others not currently licensed in another jurisdiction who have applied for a license and attest they completed the requirements for a bachelor's or graduate degree in social work from an accredited program
- In emergency situations (such as for persons currently licensed in another jurisdiction to practice social work and can attest that they have completed the requirements for a bachelor's or graduate degree in social work from an accredited program

- For an applicant who has completed the requirements for a bachelor's or graduate degree in social work from a program in candidacy status for accreditation with the CSWE or similar accreditation bodies.
- For teachers whose permanent residence is outside the United States, teaching at an Minnesotan academic institution for a period less than 12 months and can attest they completed the requirements for a bachelor's or graduate degree in social work

Minnesota has five types of social work licenses. Each type's educational and training requirements are as follows:

- *Licensed social worker* – a bachelor's degree in social work from an accredited program
- *Licensed graduate social worker* – a graduate degree in social work from an accredited program
- *Licensed independent social worker* – a graduate degree in social work from an accredited program and practice as a social worker, meeting specific supervised practice requirements
- *Licensed independent clinical social worker* – a graduate degree in social work from an accredited program and practice as a clinical social worker, meeting specific supervised practice requirements
- *Provisional license* – a bachelor's or graduate degree in social work from an accredited program and completion of 2,000 hours of supervised social work practice

For more information, please see Chapter 148D of the Minnesota Statutes here: <https://www.revisor.mn.gov/statutes/?id=148D>

Summary of factual data and analytical methodologies:

A task force was convened comprised of members of the Social Worker Section and faculty and administrators from Wisconsin public and private colleges to develop the criteria and standards for the rule revisions. Data was collected by research regarding current accreditation bodies and public and private schools' academic programs.

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

Section 227.137, Stats., requires an "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.

Anticipated costs incurred by private sector:

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

Fiscal estimate:

The department estimates that the proposed rule will have no significant fiscal impact.

Effect on small business:

These proposed rules will be reviewed by the department’s Small Business Review Advisory Committee to determine whether the rules will have any significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at john.murray@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Sharon Henes, Paralegal, Department of Regulation and Licensing, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at sharon.henes@wisconsin.gov.

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

Comments may be submitted to Sharon Henes, Paralegal, Department of Regulation and Licensing, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to sharon.henes@wisconsin.gov. Comments must be received at or before the public hearing to be held on June 1, 2011 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 3.13(1)(a)1. is repealed and recreated to:

1. To qualify as “another human service program approved by the section” under s. 457.09 (1) (c), Stats., the program shall award a bachelor’s degree and be one of the following:
 - a. An organized course of study recognized by the section to contain all five social worker equivalency courses in section 3.13(2) and a course designated as a senior seminar or capstone course
 - b. An organized course of study entitled on the transcript as a Human Services major.
 - c. Accredited by any accrediting organization for programs awarding bachelors degrees with a major in "human services" accredited by the Council for Higher Education Accreditation (CHEA).
2. In subd. 1(b), “Human Services” means a major which includes all the following courses:

- a. An introductory course which contains a general overview of the field of human services, including origins, career opportunities and techniques and methods of helping individuals and groups in need.
 - b. A course with significant content in professional ethics and values, including confidentiality, boundaries and values in human services occupations.
 - c. A course with content in qualitative and quantitative social research methods and statistics.
 - d. A course designated as a senior seminar or capstone course. The capstone course may be an internship with the seminar in which the training certificate applicant is evaluated to have attained the competencies specified in (3m)
3. The applicant shall have obtained a grade point average of 2.5 or greater in the major completed in the program under subd. 1.a., 1.b. or 1.c.

SECTION 2. MPSW 3.13(2) is amended to read:

(2) SOCIAL WORKER DEGREE EQUIVALENCY. To attain social worker degree equivalency to a bachelor's degree in social work under the terms of s. 457.09 (4) and (4m) (b), Stats., and to qualify to take the national social work examination, a social worker training certificate holder shall demonstrate by certified transcript from an accredited college or university, sent directly to the section, that the applicant has ~~taken~~ successfully completed with a minimum of a C grade at least a total of 4 5 courses, each consisting of a minimum of either 3 semester hours or 4 quarter hours of academic credit. Courses shall be taught by an instructor who holds a Master's degree or a PhD in Social Work from an institution accredited by the Council on Social Work Education unless otherwise approved by the Section. The courses shall use a textbook written by a social work educator for social work courses as a primary text, unless otherwise approved by the section. At least three of these courses shall be taken at the same institution, and shall be distributed among the following subject areas:

SECTION 3. MPSW 3.13(2)(b) is amended to read:

(b) Social work practice methods with individuals, families, small groups, communities, organizations and social institutions – generalist practice methods. At least ~~2~~ 3 courses each consisting of at least 3 semester hours or 4 quarter hours academic credit. Qualifying coursework shall in these areas shall ~~include all of the following:~~ substantively and affectively prepare the student for action to engage, assess, intervene, and evaluate with individuals, families, groups, organizations, and communities. The social work practice methods taught should be evidence-based, and should emphasize client strengths. Each course must have infused throughout the curriculum significant course content on social work values and ethics, approaches and skills for practice with clients from differing social, cultural, racial, religious, spiritual and class backgrounds; and systems of all sizes. The content of the three courses must be coordinated by the college or university to cover the material described below and demonstrate that within the curriculum of the three courses, students will learn:

SECTION 4. MPSW 3.13(2)(b)1 is created to read:

1. Of the three required social work methods courses, a course in each of the following: social work practice with individuals, social work practice with groups and families, and social work practice with communities, organizations, and social institutions.

SECTION 5. MPSW 3.13(2)(b)1. is renumbered MPSW 3.13(2)(b)2 and amended to read:

~~1-2.~~ Practice content which emphasizes professional relationships that are characterized by mutuality, collaboration, respect for the client system and incorporates use of professional social work supervision. Coursework will prepare a student to:

- a. Use empathy and other interpersonal skills with clients
- b. Develop with the client a mutually-agreed on focus of work and desired outcomes
- c. Collect, organize, and interpret client data
- d. Develop mutually agreed-on intervention goals and objectives
- e. Select appropriate intervention strategies
- f. Initiate actions to achieve organizational goals
- g. Implement prevention interventions that enhance client capacities
- h. Help clients resolve problems
- i. Negotiate, mediate, and advocate for clients
- j. Facilitate transitions and endings
- k. Critically analyze, monitor, and evaluate interventions.

SECTION 6. MPSW 3.13(2)(b)2, MPSW 3.13(2)(b)3 and MPSW 3.13(2)(b)4 are renumbered to MSPW 3.13(2)(b)3, MPSW 3.13(2)(b)4 and MPSW 3.13(2)(b)5.

~~2-3.~~ Practice assessment which focuses on the examination of client strengths and problems in the interaction among individuals and between people and their environments, and the use of critical thinking in the assessment process.

~~3-4.~~ Knowledge, values and skills to enhance human well-being and amelioration of the environmental conditions that affect people adversely.

~~4-5.~~ Approaches and skills for practice with clients from differing social, cultural, racial, religious, spiritual and class backgrounds and with systems of all sizes.

SECTION 7. MPSW 3.13(2)(b)5 is repealed.

SECTION 8. MPSW 3.13(2)(b)7, MPSW 3.13(2)(b)8 and MSPW 3.13(2)(b)9 are created to read:

7. An evaluation of the student's ability to demonstrate competence in interviewing, using empathy and interpersonal skills. The student should be able to demonstrate skill in collecting, organizing, and interpreting client data; assessing client strengths and

limitations; developing mutually agreed-upon intervention goals and objectives; and selecting appropriate intervention strategies.

8. Each methods course shall include content on social work values and ethics including the application of the standards of the National Association of Social Workers Code of Ethics to social work practice.

9. Each methods course shall include content on cultural competence in social work practice, based on the National Association of Social Workers Standards for Cultural Competence in Social Work Practice.

SECTION 9. MPSW 3.13(2)(c) is amended to read:

(c) Human behavior in the social environment, including human growth and development, and social systems theory.

At least one course of at least 3 semester hours or 4 quarter hours academic credit. Qualifying course work in this area shall include theories and knowledge of human biological, sociological, cultural, psychological, and social-spiritual development across the life span; ~~and the impact of social and economic forces on individuals and social systems.~~ the range of social systems in which people live (individual, family, group, organizational, and community) and the ways social systems promote or deter people in maintaining or achieving health and well-being.

SECTION 10. MPSW 3.13(3)(a)1 is repealed

SECTION 11. MPSW 3.13(3)(a)2 is renumbered to MPSW 3.13(3)(a)1

~~2-1.~~ 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.

SECTION 12. MPSW 3.13(3)(b) is amended to read:

(b) One year of social work employment ~~that was part of the program leading to the degree the certificate holder specified to satisfy the requirements in s. 457.09 (1) (c) and (4m) (b), Stats., or~~ completed while holding the training certificate, which involved at least 400 hours of face-to-face client contact in not less than 12 months, and that was supervised by a social worker certified under s. 457.08, Stats., who has a bachelor's or master's degree in social work and who provides direct, on-site supervision of the certificate holder during the time the certificate holder is at work.

SECTION 13. MPSW 3.13(3)(b)1 and MPSW 3.13(3)(b)2 are repealed.

SECTION 14. MPSW 3.13(3m) is created to read:

(3m) DEMONSTRATED COMPETENCY. A human services internship or one year of social work employment shall be approved by the section provided that the supervising social worker certifies on forms provided by the department that the internship or employment provided training and experience, and the applicant demonstrated competency, in each of the following areas:

1. Demonstrate the ability to: engage, assess, intervene, and evaluate individuals, families, groups, organizations, and communities in regard to strengths and difficulties in biological, psychological, sociological, cultural, and spiritual functioning .

2. Demonstrate intervention skills, including: collect, organize, and interpret client data; assess client strengths and limitations; use empathy and other interpersonal skills; develop mutually agreed-upon intervention goals and objectives; determine and implement appropriate intervention strategies; and refer clients to other qualified resources when appropriate.

3. Develop a mutually agreed-on focus of work and desired outcomes, which may include: implementing prevention interventions that enhance client outcomes; help clients resolve problems; negotiate, mediate, and advocate for clients; and facilitate transitions and endings; refer to community resources; facilitate organizational change to meet social needs based on evaluation and assessment as described in subd. 3m (1.); and critically analyze, monitor, and evaluate interventions

4. Knowledge of other disciplines and resources relevant to the evaluation of clients, plans and policies to alleviate client difficulties, and intervention planning.

5. Demonstrate cultural competence, based on the National Association of Social Workers Standards for Cultural Competence in Social Work Practice, by intervening effectively on behalf of diverse populations and populations most vulnerable and discriminated against; providing culturally competent services, and collaborating with others to develop services.

6. Make ethical decisions by applying standards of the National Association of Social Workers Code of Ethics in the delivery of social work services to clients, and applying relevant Wisconsin laws and administrative rules, as applicable.

SECTION 15. MPSW 3.13(4) is amended to read:

(4) SUPERVISION REQUIREMENTS. In addition to the minimum qualifications for supervisors specified in sub. (3), supervision of qualifying human services internship or employment shall include the direction of social work practice in a face-to-face individual session of at least one hour duration during each week of supervised practice of social work, and shall further comply with s. MPSW 4.01 (1) and (3). Supervision may be exercised by a person other than an employment supervisor. For supervised

educational internships or employment experiences that begin 6 months after the effective date of this rule change, the supervisor and student or employee shall complete and sign a learning contract within the first 40 hours of the internship or employment which will describe the goals of the student or employee's supervised experience and list basic expectations for both the applicant and the supervisor.

SECTION 16. MPSW 3.13(6)(b) is amended to read:

(b) To obtain advance section approval under par. (a), an accredited college or university shall submit course syllabi at least 6 months prior to the commencement of the class. Section approval shall continue for 2 years unless the course content, format, delivery method, or instructor changes. After 2 years, course syllabi shall be resubmitted for approval.

(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 _____

Member of the Board
(board name)

MPSW 3.13 CR11- (SWTC) Hearing Notice 4-28-11.docx