

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

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

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NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Marriage & Family Therapy, Professional Counseling and Social Work Examining Board in §15.08(5)(b), Wis. Stats., and interpreting §457.14(2), Wis. Stats., the Marriage & Family Therapy, Professional Counseling and Social Work Examining Board will hold a public hearing at the time and place indicated below to consider an order to amend MPSW 3.11(5), relating to temporary credential.

Hearing Date, Time and Location

Date: December 3, 2013
Time: 11:00 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 Sharon Henes, Administrative Rules Coordinator at the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: § 457.14(2), Wis. Stats.

Statutory authority: § 15.08(5)(b), Wis. Stats.

Explanation of agency authority:

The examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

Related statute or rule: § 457.14(2), Wis. Stats.

Plain language analysis:

The Social Worker Section issues a temporary certificate or license when all the licensure requirements are met with the exception of the examination. The statute states that a temporary certificate or license may be renewed once by that section of the examining board. This amendment will bring the rule into conformity with the statute.

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

None.

Comparison with rules in adjacent states:

Illinois: Illinois no longer issues a temporary social worker credential.

Iowa: Iowa does not have a temporary social worker credential.

Michigan: Michigan grants a two year limited license to engage in the 2 year post degree experience to those who have completed the educational requirements for licensure. A limited license is renewable for not more than 6 years. Mich. Comp. Laws § 333.18509(2).

Minnesota: Minnesota may grant a temporary license to practice social work to applicants who have completed the education and examination to those unlicensed or to applicants in emergency situations if licensed in another jurisdiction. This temporary license expires after six months. Minnesota also may grant a temporary license to an applicant who completed education from a program in candidacy status with an accrediting body or for an applicant to teach social work at an academic institution in Minnesota. These temporary licenses expire after 12 months. There is no provision indicating a renewal of the temporary license. Minn. Stat. § 148E.060

Summary of factual data and analytical methodologies:

The factual data and methodology was to change the rule to be consistent with the statute.

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

This rule merely conforms the rule to the statute and there is no effect on small business.

This rule was posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units and individuals, for a period of 14 days. No comments were received relating to the economic impact of the rule.

Fiscal estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Initial Regulatory Flexibility Analysis or Summary:

These proposed rules do not have an 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 Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 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, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 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 before the public hearing to be held at 11:00 a.m. on December 3, 2013 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 3.11(5) is amended to read:

MPSW 3.11(5) The temporary credential expires upon notification of successful completion of the examination or expiration of the 9 month period, whichever is earlier. The temporary credential may ~~not~~ be renewed once.

SECTION 2. EFFECTIVE DATE. 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.

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(END OF TEXT OF RULE)

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COPIES OF RULE

Copies of this proposed rule are available upon request to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or by email at Sharon.Henes@wisconsin.gov.