

**Clearinghouse Rule 17-094**

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

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IN THE MATTER OF RULEMAKING	:	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

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The Marriage and Family Therapy, Professional Counseling and Social Work Examining Board is petitioning the Joint Committee for Review of Administrative Rules to repeal a rule the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board has determined to be an unauthorized rule using the process under s. 227.26 (4), Stats.

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to repeal MPSW 19.05 (2) relating to continuing education audits.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** ss. 457.22, Stats.

**Statutory authority:** ss. 440.035 (2) and 457.22, Stats.

**Explanation of agency authority:**

2017 Act 59 created ss. 440.035 (2), allowing an examining board to require a credential holder to submit proof of the continuing education programs or courses that he or she has completed only if a complaint is made against the credential holder. [s. 440.035 (2), Stats.]

Upon the advice of the individual sections, the board may promulgate rules establishing requirements and procedures for the credential holders to complete continuing education programs or courses of study in order to qualify for renewal. [s. 457.22, Stats.]

**Related statute or rule:** MPSW ch. 19

**Plain language analysis:**

MPSW 19.05 (2) allows the sections to conduct audits or investigations, including random audits, to determine continuing education compliance by credential holders. 2017 Act 59 removed the authority for the sections of the examining board to conduct continuing education audits.

MPSW 19.05 (1) maintains the record keeping requirement that credential holders shall make available to the board or its agent upon request proof of continuing education. The MPSW 19.05 (1) provision retains the ability for the board to request proof of continuing education if a complaint is received.

Therefore, the board has determined that MPSW 19.05 (2) is an unauthorized rule and seeks its repeal under s. 227.26 (4).

**Agency contact person:**

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TEXT OF RULE

SECTION 1. MPSW 19.05 (2) is repealed.

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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