

Clearinghouse Rule 24-097

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 ____)

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board **to repeal** MPSW 19.03 (1) (a) 5. and 9.; and **to create** MPSW 19.03 (1) (a) 16.; relating to continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 457.03 (3) and 457.22 (1) (a) to (c), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), 457.03 (3), and 457.22 (1) (a) to (c), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats. provides that each board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains.

Section 227.11 (2) (a), Stats. provides “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute.”

Section 457.03 (3), Stats. provides that provides the marriage and family therapy, professional counseling, and social work examining board upon the advice of the social worker section shall “promulgate rules establishing levels of social work practice for individuals with master’s or doctoral degrees in social work, in addition to the levels of practice for which certificates are granted under s. 457.08 (2) and (3), and establishing appropriate educational, training, experience, examination, and continuing education

requirements for certification and renewal of a certificate at each level of practice established in rules promulgated under this subsection.”

Section 457.22 (1) (a) to (c), Stats., provides the marriage and family therapy, professional counseling, and social work examining board upon the advice of the social worker section, marriage and family therapist section, and the professional counselor section may promulgate rules “to complete continuing education programs or courses of study in order to qualify for renewal.”

Related statute or rule:

None.

Plain language analysis:

The Board has reviewed chapter MPSW 19 in order to update the list of providers of continuing education and has made the following changes to MPSW 19.03 (1) (a):

1. Repealed MPSW 19.03 (1) (a) 5. because upon research the board could not find that organization to be currently offering continuing education courses.
2. Repealed MPSW 19.03 (1) (a) 9. because it is a duplicate of MPSW 19.03 (1) (a) 6.
3. Created MPSW 19.03 (1) (a) 16. to include the Wisconsin School Social Workers Association.

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

None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board held a preliminary hearing on the statement of scope for this rule at its January 29, 2024 meeting. No comments were received.

Comparison with rules in adjacent states:

Illinois:

Illinois recognizes the following continuing education sponsors and programs for social workers:

1. The National Association of Social Workers (NASW) and its affiliates;

2. The Association of Social Work Boards (ASWB) and its affiliates;
3. American Association for Marriage and Family Therapy or its affiliates;
4. Employers licensed under the Hospital Licensing Act;
5. Professional Counseling Continuing Education Sponsors approved by the Division in accordance with the rules for the administration of the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act;
6. Clinical Psychologist Continuing Education Sponsors approved by the Division in accordance with the rules for the administration of the Clinical Psychologist Licensing Act;
7. Licensed Marriage and Family Therapy Continuing Education Sponsors approved by the Division in accordance with the rules for the administration of the Illinois Marriage and Family Therapy Licensing Act;
8. Any other regionally accredited school, college or university, community college or State agency that provides CE in a form and manner consistent with this Section; or
9. Any other person, firm, association, corporation or other group that has been approved and authorized by the Division upon recommendation of the Board to coordinate and present continuing education courses or programs.

[68 Ill. Adm. Code 1470.95]

The following continuing education sponsors and programs for professional counselors:

1. National Board for Certified Counselors or its affiliates;
2. American Counseling Association or its affiliates;
3. Commission on Rehabilitation Counselor or its affiliates;
4. American Association for Marriage and Family Therapy or its affiliates;
5. Employee Assistance Professional Association (EAPA) and Employee Assistance Society of North America (EASNA) or its affiliates;
6. Social Work Continuing Education Sponsors approved by the Division in accordance with the rules for the administration of Clinical Social Work and Social Work Practice Act;
7. American Psychological Association or its affiliates;
8. Illinois Counseling Association or its affiliates;
9. Illinois Mental Health Counselors Association or its affiliates;
10. American Medical Association or its affiliates;
11. Marriage and Family Therapy Continuing Education Sponsors approved by the Division in accordance with the Marriage and Family Therapy Licensing Act;
12. Clinical Psychologist Continuing Education Sponsors approved by the Division in accordance with the Clinical Psychologist Licensing Act;
13. Accredited colleges, universities, State agencies; and
14. Any other person, firm, or association that has been approved and authorized by the Division to coordinate and present continuing education courses.

[68 Ill. Adm. Code 1375.220]

Illinois lists the American Association for Marriage and Family Therapy and any other person, firm, association, corporation, or group that has been approved and authorized by the Division upon recommendation of the Board to coordinate and present continuing education courses and programs for marriage and family therapists [68 Ill. Admin. Code 1283.110]

Iowa:

Iowa lists ASWB Approved Continuing Education program and the NASW Continuing Education Unit Approval program as organizations that sponsor or approve continuing education programs. [481 IAC 896.3 (2)]

Iowa does not list organizations that sponsor or approved for continuing education programs of marriage and family therapists and professional counselors [481 IAC 892.3]

Michigan:

Michigan recognizes the following continuing education sponsors and programs for social workers:

1. The ASWB.
2. The National Association of Social Workers (NASW).
3. A state chapter of the NASW.

[MI Admin. Code R 338.2963]

Michigan does not list specific organizations as sponsors or approved continuing education programs for professional counselors or marriage and family therapists.

Minnesota:

Minnesota establishes an automatic approval for any continuing education credit for professional counselors that was approved by:

1. The American Counseling Association (ACA)
2. The Council for Accreditation of Counseling and Related Education Programs (CACREP)
3. The American Association of State Counseling Boards (AASCB)
4. The National Board for Certified Counselors (NBCC)
5. Other national organization as determined by the board.

[MN Admin. Code 2150.2570]

Minnesota does not list organizations as sponsors and does not have the automatic approval provision for marriage and family therapists or social workers.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewed chapter MPSW 19 to ensure that the code is compliant current standards of practice. No additional factual data or analytical methodologies were used to develop the proposed rules.

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

The rule draft was posted on the department's website for 14 days to solicit economic impact comments from local governments and small businesses. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the beginning of the public hearing scheduled on January 22, 2025, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 19.03 (1) (a) 5. and 9. are repealed.

SECTION 2. MPSW 19.03 (1) (a) 16. is created to read:

MPSW 19.03 (1) (a) 16. Wisconsin School Social Workers Association.

SECTION 3. 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.

(END OF TEXT OF RULE)
