

Clearinghouse Rule 25-003

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 amend** MPSW 3.07 (3) and 3.09 (3m) relating to supervised practice.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 457, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), 440.17, and 457.03 (2).

Explanation of agency authority:

Section 15.08 (5) (b), Stats., states that an examining board “[s]hall 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.”

Section 227.11 (2) (a), Stats., states that “[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., states that “[u]pon the advice of the social worker section, promulgate rules 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...”

Related statute or rule:

None.

Plain language analysis:

The Marriage and Family Therapy, Professional Counseling and Social Work Examining Board completed a comprehensive review of chapter MPSW 3 to update the requirements regarding supervised practice. The Board revised the chapter to provide clarity, remove obsolete provisions and ensure the chapter is current with professional standards, statutory provisions, and requirements for licensure.

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 scope statement for this rule at its January 29, 2024 meeting. No comments were received.

Comparison with rules in adjacent states:

Illinois:

Applicants for licensure as a clinical social worker must complete 3,000 hours of satisfactory, supervised professional experience if they hold a master's degree, and 2,000 hours of satisfactory, supervised professional experience if they hold a doctorate degree. Illinois does not specify that a portion of the required hours involve face-to-face client contact or DSM diagnosis and treatment of individuals. (Ill. Admin Code title 68 Ch. VII Subch. b Part 1470 Section 1470.20)

Illinois does not have an equivalent to the Independent Social Worker license in Wisconsin.

Iowa:

Applicants for licensure as a licensed independent social worker, the Iowa equivalent to a clinical social worker, must complete the clinical supervised experience in a minimum of two years and the experience shall consist of at least 3,000 hours of supervised social work practice, which includes at least 1,500 hours of direct client contact and 110 hours of direct supervision. The direct supervision hours shall include at least 24 hours of live or recorded direct observation of client interaction. A maximum of 50 hours of direct supervision may be obtained through group supervision. The content of the clinical supervised experience shall include psychosocial assessments as well as diagnostic practice and treatment using

the current edition of the DSM. The rules do not specify how many hours must involve diagnostic practice and treatment. An applicant has accrued some or all supervised experience in another state without obtaining licensure in that state shall contact the board to determine if some of that experience can be used to obtain licensure in Iowa [481 IAC 895.6 (154C)]

Iowa does not have an equivalent to the Independent Social Worker license in Wisconsin.

Michigan:

Applicants for a master's social worker license with a clinical designation must complete at least 4,000 hours of post-degree social work experience accrued over not less than 2 years. Qualifying experience must include one or more of the following activities: assessment, treatment, and intervention methods that utilize a specialized and formal interaction between a social worker and an individual, a couple, a family, or a group in which a professional relationship is established; advocating for care; protecting the vulnerable; providing forensic practice functions; increasing social well-being; providing education, and resources; providing psychotherapy; providing case management for complex and high-risk cases; serving on community committees; and, providing clinical supervision or direction of clinical programs. The rules do not specify how many hours must involve diagnostic practice and treatment. [MI Admin Code R338.2953]

Applicants for a master's social worker license with a macro designation must complete at least 4,000 hours of post-degree social work experience accrued over not less than 2 years. Qualifying experience must be completed in either or both of the following areas:

(A) Administration, management, and supervision of human service organizations, including the translating of laws and administrative rulings into organizational policy and procedures; collaboration, coordination, mediation, and consultation between and among organizations, disciplines and communities; community organizing and development; research and evaluation; the seeking of social justice through the legislative process or the social action and advocacy processes; the improvement of social conditions through social planning and policy formulations; and, social work education and training.

(B) The advanced application of macro social work processes and systems to improve the social or health services of communities, groups, or organizations through planned interventions.

[MI Admin Code R338.2951]

Minnesota:

Applicants for licensure as a licensed independent clinical social worker must have accrued at least 200 hours of supervision in no less than 4,000 hours and not more than 8,000 hours of postgraduate clinical practice, including at least 1,800 hours of direct clinical client contact. There are no specific requirements as to how many hours must involve diagnostic practice and treatment. [MN Stats. 148E.115]

Applicants for licensure as a licensed independent social worker must have obtained at least 100 hours of supervision during the 4,000 hours of postgraduate social work practice. After obtaining licensure, a licensed independent social worker must only practice clinical social work under the supervision of a licensed independent clinical social worker and cannot engage in clinical social work for more than 8,000 hours, including at least 1,800 hours of direct client contact. [MN Stats. 148E.110]

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing chapters MPSW 3 to ensure that the code is compliant with statutory changes and with 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; telephone 608-261-4463; 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 for April 23, 2025, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 3.07 (3) is amended to read:

MPSW 3.07 (3) An affidavit that the applicant, after receiving a master's or doctoral degree and after receiving certification as an advanced practice social worker, has ~~obtained at least 3,000 hours of social work practice in no less than~~ practiced for at least 2 years of full-time supervised social work practice under the supervision of a supervisor approved by the social worker section. Pre-certification supervised practice shall meet the criteria under s. MPSW 4.01.

SECTION 2. MPSW 3.09 (3m) is amended to read:

MPSW 3.09 (3m) An applicant who after receiving a master's or doctoral degree in social work and completing any portion of the applicant's 3,000 hours of supervised clinical social work practice outside of Wisconsin ~~in no less than 2 years~~ may be given credit for those hours provided they ~~included at least 1,000 hours of face to face client contact, or a proportionate number thereof, and also included DSM diagnosis and treatment of individuals, completed under the supervision of a supervisor acceptable to the social worker section~~ meet the requirements of sub (3). All hours must be accumulated under the supervision of a supervisor acceptable to the social worker section.

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)
