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WISCONSIN STATE REPRESENTATIVE

41ST ASSEMBLY DISTRICT

Assembly Bill 30

AB 30 is a result of JCRAR's objection to a portion of Clearinghouse Rule 15-082. JCRAR objected to the part of CR 15-082 that eliminated the requirement that certain applicants for certification or licensure by the board pass an examination that tests an applicant's knowledge of state law relating to the practice for which the applicant is seeking certification or licensure.

CR 15-082 was proposed since the board does not have explicit statutory authority to require multiple examinations by administrative rule. AB 30 will give the board explicit authority to require one or more examinations to be licensed.

Standard practice for testing has been a two part exam. Legislation sign by Governor Thompson in 1992, and required since 1995, required both the federal social work exam and the Wisconsin jurisprudence exam. This ensures that new certified social workers have a basic knowledge of the laws affecting the practice of social work in critical areas, such as the investigation of allegations of child abuse and neglect, elderly abuse, mental health law, alcohol and drug abuse law, laws affecting juveniles, the state conduct code, and other matters.

Thank you for considering these bills, and I am happy to answer any questions.

Wisconsin County Human Service Association
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Lisa Hassenstab, Executive Director
Chuck Price, Board President



Memo

To: Representative Joan Ballweg, Chair of the Assembly Committee for Review of Administrative Rules

From: WCHSA

Date: [Date]

Re: AB 30

The Wisconsin County Human Service Association (WCHSA) wishes to convey our support for AB 30, which would maintain the requirement that new applicants for a social work license or certification review applicable Wisconsin laws and take one or more examinations to demonstrate that they have read the law.

WCHSA believes the requirement is an efficient and effective minimum standard which should be expected of an individual who wants to practice social work in the state of Wisconsin. Having an awareness and understanding of the Wisconsin statutes related to the practice of social work in Wisconsin is in the best interest of those who are seeking their license, their future employer, and the citizens of Wisconsin. We see no reason to shift from current practice; the current process allows for an across-the-board standard which is applied to all who seek a license or certification to practice social work in Wisconsin.

Thank you for your consideration, and please feel free to contact either of us with any questions.

TESTIMONY IN SUPPORT OF AB 30, PRESENTED BY DR. NICHOLAS P. SMIAR, FORMER CHAIRPERSON OF THE SOCIAL WORKER SECTION OF THE MPSW EXAMINING BOARD AND PROFESSOR EMERITUS OF SOCIAL WORK, UW-EAU CLAIRE

Representative Horlacher and members of the Assembly Committee on Regulatory Licensing Reform, thank you for the opportunity to present testimony on AB 30, regarding the requirement for successful passage of a state jurisprudence examination by applicants for Certified Social Worker (CSW), Advanced Practice Social Worker (APSW), Certified Independent Social Worker (CISW), and Licensed Clinical Social Worker (LCSW). My name is Nick Smiar. I am Professor Emeritus of Social Work at the University of Wisconsin-Eau Claire, and former Chairperson of the Social Worker Section of the MPSW Examining Board. I am a Certified Independent Social Worker, a member of the National Association of Social Workers – Wisconsin Chapter, a member of the Academy of Certified Social Workers (ACSW), and former Wisconsin Delegate to the Association of Social Work Boards. Because I have been part of this process since it began in the Social Worker Section of the MPSW Examining Board almost two years ago, I think that I can offer some perspective on this issue.

At that time, the legal counsel at DSPS indicated to the Social Worker Section, as well as to the Marriage and Family Therapist Section and the Professional Counselor Section, that a requirement of completion of a state jurisprudence examination by applicants for the various licenses and certifications under the MPSW Examining Board could not be maintained because there was no warrant for it in the statute (Chapter 457). The position of the Social Worker Section was that it has the statutory authority to require the examinations under Stats. 457.03 (1m) and that there are two parts to the examination, the national standardized ASWB exam and the state jurisprudence examination, the first being an examination related to competencies to practice and the second being an examination to determine the applicant's knowledge of relevant and applicable state law, under the statutory authority granted by Chapter 457. The legal counsel held that the statute authorizes one examination, not two, and, therefore, DSPS could no longer administer the jurisprudence examination and would cease to do so, despite the fact that the examination had been administered for twenty years.

The other two sections of the MPSW Board will have to comment on their perspective on this matter, but it is important to note that the range of practice of professionals under the other two sections is much narrower than the range of practice of social workers. For Professional Counselors and Marriage and Family Therapists, there is only one licensure, and the primary focus is treatment; social work has three certifications and a license, as well as a training certificate provision. Social workers practice in child and family welfare, mental health, corrections, schools, community action agencies, local and state government, court services, nursing homes, aging and disability resource centers, and a wide variety of other settings. In their everyday practice, they must be familiar with applicable statutes and regulations, both state and

federal. The experience of the Social Worker Section has been that the jurisprudence examination, as a pre-requisite for certification or licensure, clearly communicates an expectation by the state of Wisconsin that knowledge of state statute and regulation constitutes an essential element of safe and effective practice. Finally, the jurisprudence examination is relevant to practice in Wisconsin; the other examination is a national, standardized examination. Social work practice in each state will vary because state statute and regulation affect how practice is delivered.

AB 30 appears to contain the remedies necessary to permit and require a state jurisprudence examination. I ask that you approve the bill and send it to the Assembly for a vote and then on to the Senate for final consideration and passage.

I am happy to answer any questions you might have and to make myself available for any questions or needed information after this hearing. My contact information is below.

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National Association of Social Workers

NASW WI TESTIMONY BEFORE THE ASSEMBLY COMMITTEE ON REGULATORY LICENSING REFORM ON APRIL 27, 2017 ON BEHALF OF ASSEMBLY BILL 30

On behalf of the National Association of Social Workers, Wisconsin Chapter, I am speaking in strong support of Assembly Bill 30. Assembly Bill 30 will allow the Social Workers Section to continue to require that applicants for social work certification or licensure pass the state jurisprudence exam. This requirement has been in effect since 1995 when the grandfathering period for social work certification ended.

This bill has been introduced for a similar reason to Assembly Bill 29. About two years ago the Department of Safety and Professional Services Chief Legal Counsel stated that the Social Workers Section needed to eliminate the rule requiring the state exam because it was not supported by the statute.

The state jurisprudence exam ensures that new certified social workers will have basic knowledge of laws affecting the practice of social work in such critical areas as child abuse and neglect, elderly abuse, mental health law, alcohol and drug abuse law, laws affecting juveniles, the state conduct code and other matters. This exam helps protect the public against new employees who would not know critical legal responsibilities in their practice and could harm clients. The 72 county human services departments depend upon this exam to assure that new social workers have the basic knowledge of laws and regulation for their jobs.

When this issue first arose in the last legislative sessions, I spoke with several human services directors who were quite upset that the exam could be eliminated. They believed that this was another unfunded mandate for counties. The elimination of the exam would require the human services department to spend time and money to train the new social workers in areas that the previous social workers had learned from the state exam. For this reason the Wisconsin County Human Services Association voted to oppose the elimination of the exam.

We urge you to support Assembly Bill 30.

Marc Herstand, MSW CISW
Executive Director
National Association of Social Workers, Wisconsin Chapter