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**MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND  
SOCIAL WORK JOINT EXAMINING BOARD**  
**Room 121A, 1400 East Washington Avenue, Madison**  
**Contact: Dan Williams (608) 266-2112**  
**November 30, 2015**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.*

**11:30 A.M.**

**AGENDA**

**CALL TO ORDER – ROLL CALL – OPEN SESSION**

- A. Adoption of the Agenda (1-2)**
- B. Approval of Minutes of October 5, 2015 (3-4)**
- C. Administrative Matters – Discussion and Consideration**
  - 1) Staff Updates
  - 2) Board Member – Term Expiration Date
    - a. Bridget Ellingboe – 7/1/2016
    - b. Peter Fabian – 7/1/2018
    - c. Alice Hanson-Drew – 7/1/2013
    - d. Linda Pellmann – 7/1/2019 (*re-appointed, not yet confirmed*)
    - e. Allison Gordon – 7/1/2018
    - f. Charles Lindsey – 7/1/ 2016
    - g. Melissa Gendreau – 7/1/2017 (*appointed, not yet confirmed*)
    - h. PC Public Member – **Vacancy**
    - i. Jennifer Anderson-Meger – 7/1/2017
    - j. Elizabeth Krueger – 7/1/2016
    - k. Nicholas Smiar – 7/1/2014
    - l. Gregory Winkler – 7/1/2015
    - m. SOC Public Member – **Vacancy**
- D. 11:30 A.M.: Public Hearing on Clearinghouse Rule 15-082 Relating to Rules, Application, Exam, and Renewal Procedures (5-16)**
  - 1) Review and Respond to Clearinghouse Report and Public Hearing Comments
- E. Legislative and Administrative Rule Matters – Discussion and Consideration**
  - 1) MPSW 5 Relating to Social Worker Jurisprudence Examination **(17-18)**
  - 2) Update Legislation and Pending or Possible Rulemaking Projects

F. **Section Reports**

G. Discussion and Consideration of Items Received After Preparation of the Agenda:

- 1) Introductions, Announcements, and Recognition
- 2) Presentations of Petition(s) for Summary Suspension
- 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 4) Presentation of Final Decision and Order(s)
- 5) Informational Item(s)
- 6) DLSC Matters
- 7) Status of Statute and Administrative Rule Matters
- 8) Education and Examination Matters
- 9) Credentialing Matters
- 10) Practice Questions
- 11) Legislation / Administrative Rule Matters
- 12) Liaison Report(s)
- 13) Speaking Engagement(s), Travel, or Public Relations Request(s)
- 14) Consulting with Legal Counsel

H. Public Comments

**ADJOURNMENT**

The next meeting is January 26, 2016.

**MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING  
AND SOCIAL WORK JOINT EXAMINING BOARD  
MEETING MINUTES  
October 5, 2015**

**PRESENT:** Jennifer Anderson-Meger, Peter Fabian (*Excused from the meeting at 3:51 p.m.*), Alice Hanson-Drew, Melissa Gendreau, Allison Gordon, Elizabeth Krueger, Charles Lindsey, Linda Pellmann, Gregory Winkler

**EXCUSED:** Nicholas Smiar

**STAFF:** Dan Williams, Executive Director; Sharon Henes, Administrative Rules Coordinator; Nilajah Hardin, Bureau Assistant; and other DSPS Staff

**CALL TO ORDER**

Linda Pellmann called the meeting to order at 1:00p.m. A quorum of nine (9) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- *Note: The last line on the agenda, "The next meeting is January 14, 2016" is incorrect.*

**MOTION:** Elizabeth Krueger moved, seconded by Jennifer Anderson-Meger, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES**

**February 19, 2015**

**MOTION:** Gregory Winkler moved, seconded by Alice Hanson-Drew, to approve the minutes of February 19, 2015 as published. Motion carried unanimously.

**April 10, 2015**

**MOTION:** Allison Gordon moved, seconded by Charles Lindsey, to approve the minutes of April 10, 2015 as published. Motion carried unanimously.

**LEGISLATION AND ADMINISTRATIVE RULE MATTERS**

**MPSW 1.09**

**MOTION:** Peter Fabian moved, seconded by Elizabeth Krueger, to approve the Adoption Order for Clearinghouse Rule 14-063 relating to Substance Use Disorder Specialty. Motion carried unanimously.

**MPSW 16**

**MOTION:** Peter Fabian moved, seconded by Charles Lindsey, to approve the Legislative Report and Draft for Clearinghouse Rule 15-017 relating to Marriage and Family Therapy Supervised Training for submission to the Governor’s Office and Legislature. Motion carried unanimously.

**MPSW 1**

**MOTION:** Alice Hanson-Drew moved, seconded by Allison Gordon, to authorize the Chair to approve the preliminary rule draft of MPSW 1 for posting of economic impact comments and submission to the Clearinghouse. Motion carried. *Jennifer Anderson-Meger opposed.*

**MPSW 5**

**MOTION:** Charles Lindsey moved, seconded by Allison Gordon, to approve the Scope Statement on MPSW 5 relating to Examination for submission to the Governor’s Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried. *Jennifer Anderson-Meger opposed.*

**Update on Legislation and Pending or Possible Rulemaking Projects**

**MOTION:** Elizabeth Krueger moved, seconded by Allison Gordon, to support the addition of those credentialed by the Sections per MPSW 1.09 be given access to the Prescription Drug Monitoring Program. Motion carried unanimously.

*Peter Fabian was excused from the meeting at 3:51 p.m.*

**SECTION REPORTS**

**MOTION:** Charles Lindsey moved, seconded by Allison Gordon, to acknowledge and thank Leslie Mirkin for his years of service to the MPSW Joint Board and the Professional Counselor Section. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Alice Hanson-Drew moved, seconded by Gregory Winkler, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:55 p.m.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Sharon Henes</b> <b>Administrative Rules Coordinator</b>		2) Date When Request Submitted:  30 November 2015  Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections:  MPSW Joint Board			
4) Meeting Date:  30 November 2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Public Hearing on Clearinghouse Rule 15-082 relating to rules, application, exam and renewal procedures.</b>  <b>Review and respond to Clearinghouse Report and Public Hearing comments</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  <b>Hold Public Hearing at 11:30 a.m.</b>  <b>Discuss any public hearing comments. Review, discuss and respond to any Clearinghouse comments.</b>			
11) Authorization			
<i>Sharon Henes</i>		<i>18 November 2015</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : MARRIAGE AND FAMILY THERAPY,  
MARRIAGE AND FAMILY THERAPY, : PROFESSIONAL COUNSELING,  
PROFESSIONAL COUNSELING, : SOCIAL WORKER EXAMINING BOARD  
SOCIAL WORKER EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling, Social Worker Examining Board to repeal MPSW 1.03, 1.04 (2) (intro), (a) and (b), 1.05 (1) and (3), 1.05 (7), 1.06 (1), (2), (3), (4), (5), (6) and (7), 1.07, 1.08; to amend 1.05(6), 1.06 (intro); to create 1.035, 1.085, relating to rules, application, exam and renewal procedures.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** ss. 15.08 (5) (b), 440.08 (3) (b), 457.20(3), Stats.

**Statutory authority:** ss. 15.08 (5) (b), 440.071 (1), 440.08 (3) (b), Stats.

**Explanation of agency authority:**

The board shall promulgate rules for its own guidance and for the guidance of the profession and define and enforce professional conduct and unethical practices not inconsistent with the law relating to pharmacy. s. 15.08 (5) (b), Stats.

The board may not require a person to complete any postsecondary education or other program before the person is eligible to take an examination for a credential the board grants or issues. s. 440.071 (1), Stats.

The board may promulgate rules requiring the holder of a credential who fails to renew the credential within 5 years after its renewal date to complete requirements in order to restore the credential, in addition to the applicable requirements for renewal established in chapter 457, that the examining board determines are necessary to protect the public health, safety or welfare. The rules may not require the holder to complete educational requirements or pass examinations that are more extensive than the educational or examination requirements that must be completed in order to obtain an initial credential from the examining board. s. 440.08 (3) (b), Stats.

**Related statute or rule:** s. SPS 4.11

## **Plain language analysis:**

Section 1 and 2 repeals the current rule-making procedure and creates a new procedure. The rules committee is deemed by the board to be obsolete. The Sections of the Board will still propose and draft the rules applying to individual professions and hold the public hearings while the Board will draft rules and hold public hearings for the matters the board deems as a joint interest.

Section 3 repeals the provisions requiring all application requirements prior to sitting for the examination. 2013 Act 113 prohibits a board from requiring the education be completed prior to the taking the examination. This section removes the requirement of education be completed prior to taking the examination. In addition, this section removes the obsolete requirement that all application materials be submitted 60 days prior to the examination.

Section 4 repeals the obsolete provision regarding the examination be administered at least once a year. The board relies on national examinations with the providers controlling the dates the examination is administered. All of these tests are available multiple times a year.

This section also removes the provision that states the examination consists of a two part examination. In essence it states that the board will give two examinations and call it one examination with two parts. There is no statutory requirement for applicants to pass an examination on the state laws (with the exception of an applicant who holds a social worker training certificate or is applying via reciprocity). An Attorney General Opinion (OAG 4-99) states the Examining Board may not require applicants of reciprocal certificates to pass an examination covering state law in the absence of a statutory requirement. Following that opinion the Board sought and obtained the statutory requirement for those applying by reciprocity to pass an examination on the state laws, however, no statutory change was made for those applying for an initial credential. The Board is removing the requirement for an examination on state law in order to not continue enforcing a requirement or threshold not contained in statute.

Section 5 clarifies the board determines the passing score on examinations to determine competence and may adopt the recommended passing score of the examination provider.

Section 6 repeals the provision that if the examination on state laws was taken by a holder of a one of the social worker credentials in the last 5 years and is applying for a different credential, the person does not need to retake the test. This provision is unnecessary with the repeal of the requirement relating to the examination on state law.

Sections 7 and 8 provide for an applicant who fails an examination may request a review pursuant to the policies of the examination provider. The rest of the provisions are repealed as being obsolete due to the review not being conducted by the board or department.

Section 9 repeals the obsolete provision relating to claims of examination error as the test is a national examination and not a board written examination.

Sections 10 and 11 repeals the credential renewal procedure and creates clarity to a renewal and reinstatement process.

Renewal within 5 years requires an application, fee, including applicable late fee, and certification of completion of required continuing education.

Renewal after 5 years requires an application, fee, late fee and evidence of either an active credential in good standing in another state or completion within the preceding 2 years of 60 hours of approved continuing education, including 8 hours of professional ethics and boundaries.

Reinstatement applies to the person who has unmet disciplinary requirements but has not renewed his or her credential within 5 years or has a credential which has been surrendered or revoked. The person may apply for reinstatement by submitting evidence of completion of the renewal after 5 years requirements if the credential has not been active with the preceding 5 years, completion of any applicable disciplinary requirements and a showing of rehabilitation or change in circumstances which warrants reinstatement of the credential.

**Summary of, and comparison with, existing or proposed federal regulation:** None

**Comparison with rules in adjacent states:**

**Illinois:** Illinois requires marriage and family therapist education to be completed prior to examination. Completion of education prior for examination is not required for professional counselors or social workers. A credential may be renewed within 5 years by payment of fees and proof of completion of continuing education. Renewal of a credential after 5 years requires payment of fees, proof of completion of continuing education and either evidence of active practice in another state or proof of passing of the examination during the time the license was lapsed.

**Iowa:** Iowa does not require marriage and family therapists, mental health counselors or social workers to complete education prior to examination. A credential may be renewed within five years pay fees and verification of continuing education. After five years marriage and family therapists and mental health counselors may renew upon payment of fees and verification of 80 hours of continuing education. After five years social workers may renew upon payment of fees, verification of continuing education and passing of the ASWB examination within last five years at the appropriate credentialing level. Reinstatement of a credential after revocation, suspension or surrendered may not be made until one year after the order or surrender and application shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation, suspension or surrender no longer exists and it will be in the public interest for the license to be reinstated

**Michigan:** Michigan requires marriage and family therapy education prior to taking the examination. Professional counselors and social workers do not need to complete education prior to the examination. Marriage and family therapists and professional counselors may renew their credentials within three years by payment of fees and after three years by payment of fees and proof of licensure in another state or pass the examination. Social workers may renew their

credentials within three years by the submission fees and proof of completion of continuing education.

**Minnesota:** Minnesota requires marriage and family therapy education prior to the examination. Professional counselors and social workers may complete examination prior to education. Marriage and family therapist may renew within 5 years by payment of fees and proof of completion of continuing education and after five years by payment of fees, proof of continuing education and passing the exam. Marriage and family therapy revoke credentials may be restored for reasons the board considers sufficient. Professional counselors may renew within two years by payment of fee and continuing education and after two years by meeting current initial requirements. Social workers may renew within one year by payment of fees, proof of meeting continuing education and supervision requirements and after one year by meeting current initial requirements.

**Summary of factual data and analytical methodologies:**

The Board implemented 2013 Act 114. In addition, the Board reviewed the rules to bring the rules into compliance with statutes and remove obsolete provisions.

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

**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 Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, 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 Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to Sharon.Henes@wisconsin.gov. Comments must be received at or before the public hearing to be held on November 30, 2015 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. MPSW 1.03 is repealed.

SECTION 2. MPSW 1.035 is created to read:

**MPSW 1.035 Rule-making.** (1) Each section shall be responsible for proposing and drafting rules applying to its profession, and for holding public hearings on those rules. The board may approve and adopt rules proposed by any section of the board.

(2) The board shall be responsible for promulgating rules applying to matters that the board determines are of joint interest.

SECTION 3. MPSW 1.04 (2) (intro), (a) and (b) are repealed.

SECTION 4. MPSW 1.05 (1) and (3) are repealed.

SECTION 5. MPSW 1.05 (6) is amended to read:

**MPSW 1.05(6)** ~~Applicants shall pass each part of the examination. An applicant who fails either part I or part II of the examination shall retake that part of the examination. The passing grade on each part of the examination is determined by the board to represent competence sufficient to protect the public health, safety and welfare. The board may adopt the recommended passing score of the examination provider for part I of the examination.~~

SECTION 6. MPSW 1.05 (7) is repealed.

SECTION 7. MPSW 1.06 (intro) is amended to read:

**MPSW 1.06 Examination review procedure for all sections of the board.** An applicant who fails an examination may request a review of the examination, as permitted by the examination provider. ~~If a review is permitted, the following conditions apply:~~

SECTION 8. MPSW 1.06 (1), (2), (3), (4), (5), (6) and (7) are repealed.

SECTION 9. MPSW 1.07 is repealed.

SECTION 10. MPSW 1.08 is repealed.

SECTION 11. MPSW 1.085 is created.

**MPSW 1.085 Credential renewal and reinstatement procedures.** (1) **RENEWAL BY EXPIRATION DATE.** A credential holder shall renew the credential by the expiration date by paying the renewal fee determined by the department under s. 440.03(9)(a), Stats. and attesting to completion of the continuing education required under s. MPSW 19.02.

**(2) RENEWAL WITHIN 5 YEARS.** If the credential is renewed after the expiration date and within 5 years of the expiration, a credential holder shall renew the credential by paying the renewal fee determined by the department under s. 440.03(9)(a), Stats., attesting to completion of the continuing education required under s. MPSW 19.02. and pay a late renewal fee.

**(3) RENEWAL AFTER 5 YEARS.** This subsection does not apply to credential holders who have unmet disciplinary requirements or whose credentials have been surrendered or revoked. A credential holder who has failed to renew a credential within 5 years after the renewal date holds an expired credential and may not reapply for the credential using the initial application process. A credential may be renewed after 5 years by complying with all of the following:

(a) Payment of the renewal fee determined by the department under s. 440.03(9)(a) and the late renewal fee.

(b) Evidence of one of the following:

1. An active credential in good standing in another state.

2. Completion of 60 hours of approved continuing education, including 8 hours of professional ethics and boundaries, within the preceding 2 years.

**(4) REINSTATEMENT.** A credential holder who has unmet disciplinary requirements and failed to renew the credential within 5 years or whose credential has been surrendered or revoked may apply to have the credential reinstated in accordance with all of the following:

(a) Evidence of completion of the requirements in sub. (3) if the credential has not been active within the last 5 years.

(b) Evidence of completion of disciplinary requirements, if applicable.

(c) Evidence of rehabilitation or change in circumstances, warranting reinstatement of the credential.

**SECTION 12. 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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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis  
 Original    Updated    Corrected

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2. Administrative Rule Chapter, Title and Number  
MPSW 1

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3. Subject  
Rules, application, exam and renewal procedures

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4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	5. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)
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6. Fiscal Effect of Implementing the Rule

<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Could Absorb Within Agency's Budget
		<input type="checkbox"/> Decrease Cost

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7. The Rule Will Impact the Following (Check All That Apply)

<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors
<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers
<input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?  
 Yes    No

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9. Policy Problem Addressed by the Rule  
The objective of the rule is to update the Board's processes and procedures by removing obsolete provisions and clarifying and streamlining provisions including rule-making, application, examination and renewal.

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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.  
This rule was posted for economic comments for 14 days and none were received.

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11. Identify the local governmental units that participated in the development of this EIA.  
None. This will not have an impact on local governmental units.

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12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)  
This rule does not have an economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units and the state's economy as a whole.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule  
The benefit of implementing the rule is to provide clarification to the renewal and reinstatement provisions. In addition, the rule brings the rules into compliance with statutes and removes obsolete provisions.

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14. Long Range Implications of Implementing the Rule  
The long range implication is a rule which is in compliance with statutes and clarity for applicants and credential holders.

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15. Compare With Approaches Being Used by Federal Government  
None

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)  
**Illinois:** Illinois requires marriage and family therapist education to be completed prior to examination. Completion of education prior for examination is not required for professional counselors or social workers. A credential may be renewed within 5 years by payment of fees and proof of completion of continuing

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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

education. Renewal of a credential after 5 years requires payment of fees, proof of completion of continuing education and either evidence of active practice in another state or proof of passing of the examination during the time the license was lapsed.

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17. Contact Name

Sharon Henes

18. Contact Phone Number

(608) 261-2377

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This document can be made available in alternate formats to individuals with disabilities upon request.

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
  - Less Stringent Schedules or Deadlines for Compliance or Reporting
  - Consolidation or Simplification of Reporting Requirements
  - Establishment of performance standards in lieu of Design or Operational Standards
  - Exemption of Small Businesses from some or all requirements
  - Other, describe:
- 

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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Scott Grosz  
*Clearinghouse Director*

Margit S. Kelley  
*Clearinghouse Assistant Director*

Terry C. Anderson  
*Legislative Council Director*

Jessica Karls-Rupflinger  
*Legislative Council Deputy Director*

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE 15-082

AN ORDER to repeal MPSW 1.03, 1.04 (2) (intro.), (a) and (b), 1.05 (1), (3), and (7), 1.06 (1), (2), (3), (4), (5), (6), and (7), 1.07, and 1.08; to amend MPSW 1.05 (6) and (intro.); and to create MPSW 1.035 and 1.085, relating to rules, application, exam, and renewal procedures.

Submitted by **MARRIAGE AND FAMILY THERAPY, PROFESSIONAL  
COUNSELING, AND SOCIAL WORK EXAMINING BOARD**

10-29-2015 RECEIVED BY LEGISLATIVE COUNCIL.

11-23-2015 REPORT SENT TO AGENCY.

MSK:SM



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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Scott Grosz  
Clearinghouse Director

Terry C. Anderson  
Legislative Council Director

Margit Kelley  
Clearinghouse Assistant Director

Jessica Karls-Ruplinger  
Legislative Council Deputy Director

### CLEARINGHOUSE RULE 15-082

#### Comments

**NOTE:** All citations to “Manual” in the comments below are to the **Administrative Rules Procedures Manual**, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

#### 2. Form, Style and Placement in Administrative Code

a. In the rule summary, an entry should be inserted for the description of the analysis and supporting documents used to determine the effect on small business or in preparation of the economic impact analysis.

b. A SECTION should be inserted to renumber s. MPSW 1.04 (1) to s. MPSW 1.04. SECTION 3 of the proposed rule repeals s. MPSW 1.04 (2), which is the only other subunit of that rule section. Accordingly, division of s. MPSW 1.04 into subunits is no longer necessary. [s. 1.03 (1), Manual.]

c. In the treatment clause for SECTION 3 of the proposed rule, the reference to “(intro), (a) and (b)” should be removed, as the SECTION is repealing sub. (2) in its entirety.

d. In the treatment clause for SECTION 7 of the proposed rule, a period should be inserted in the reference to “(intro.)”. [s. 1.03 (3), Manual.]

e. In the treatment clause for SECTION 8 of the proposed rule, the listing of each affected subsection in the consecutive series could be revised to the inclusive phrase “(1) to (7)”. [s. 1.07 (2) (Table), Manual.]

f. SECTIONS 9 and 10 of the proposed rule, which give the same treatment to consecutively numbered rule sections, could be combined into one SECTION. [s. 1.04 (2) (a) 2., Manual.]

g. In the treatment clause for SECTION 11 of the proposed rule, the phrase “to read:” should be inserted after the phrase “is created”.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Sharon Henes</b> <b>Administrative Rules Coordinator</b>		2) Date When Request Submitted:  <b>19 November 2015</b> Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections:  <b>MPSW Joint Board</b>			
4) Meeting Date:  <b>30 November 2015</b>	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Legislation and Rule Matters – Discussion and Consideration</b> <b>1. MPSW 5 Relating to Social Worker Jurisprudence Examination</b> <b>2. Update on Pending Legislation and Pending and Possible Rulemaking Projects</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i><b>Sharon Henes</b></i>		<i><b>18 November 2015</b></i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

## Chapter MPSW 5

### SOCIAL WORK EXAMINATIONS

#### MPSW 5.01 Examination.

**Note:** Chapter SFC 5 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 5 was renumbered ch. MPSW 5 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., [Register October 2002 No. 562](#).

**MPSW 5.01 Examination. (1)** An applicant for certification as a social worker, advanced practice social worker, or independent social worker or for licensure as a clinical social worker shall pass all parts of the examination required by the social worker section, unless the applicant is exempt from the examination requirement.

**(2)** An applicant for certification as a social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required degree, upon confirmation from the applicant's school that he or she is a student in good standing and is within 6 months of graduation.

**(3)** An applicant for certification as an advanced practice social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an

examination approved by the section. Both parts of the examination may be taken prior to completion of the required degree, upon confirmation from the applicant's school that he or she is a student in good standing and is within 6 months of graduation.

**(4)** An applicant for certification as an independent social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required period of supervised practice.

**(5)** An applicant for licensure as a clinical social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required period of supervised practice.

**Note:** A listing of the examinations approved by the social worker section may be obtained from the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, c/o the Department of Safety and Professional Services, P.O. Box 8935, Madison, Wisconsin 53708-8935.

**History:** Cr. [Register, November, 1992, No. 455](#), eff. 12-1-93; [CR 02-105](#): am. (1) to (5), [Register October 2002 No. 562](#), eff. 11-1-02.