



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

Room N208, 4822 Madison Yards Way, 2nd Floor, Madison

Contact: Debra Sybell (608) 266-2112

October 15, 2019

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 description of the actions of the Board.

AGENDA

11:00 A.M.

**(OR IMMEDIATELY FOLLOWING THE PROFESSIONAL COUNSELOR
SECTION MEETING)**

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-2)

B. Approval of Minutes of July 23, 2019 (3-4)

C. Introductions, Announcements and Recognition

1. Candace Coates, Licensed Clinical Social Work Member (*Nominated*)
2. Andrea Simon, Licensed Professional Counselor Member
3. Lisa Yee, Marriage and Family Therapist Member

D. Administrative Matters – Discussion and Consideration

1. Department, Staff and Board Updates
2. Board Member – Term Expiration Date

E. PUBLIC HEARING: Clearinghouse Rule 19-116, Relating to Discrimination Based on Arrest or Conviction Record (5-19)

1. Review and Respond to Public Hearing Comments and Clearinghouse Report

F. PUBLIC HEARING: Clearinghouse Rule 19-115, Relating to Education Equivalent to a Degree in Marriage and Family Therapy from a Program Accredited by COAMFTE (20-29)

1. Review and Respond to Public Hearing Comments and Clearinghouse Report

G. Administrative Rules Matters – Discussion and Consideration

1. MPSW 3, Relating to the Practice Requirement for Licensure as a Clinical Social Worker **(30-34)**
2. MPSW 1, 3, & 5, Relating to Examinations **(35-41)**
3. MPSW 20, Relating to Unprofessional Conduct
4. ASWB Exam Use Policy **(42-68)**

5. LRB 4287, Relating to Continuing Education on Suicide Prevention (69-71)
6. Pending or Possible Rulemaking Projects

H. APPEARANCE: Marc Herstand, National Association of Social Workers (NASW) – WI Chapter: Legislative Proposal on Continuing Education for MPSW Examining Board Professions (72-84)

I. Legislative and Policy Matters – Discussion and Consideration

J. Credential Requirements for Engaging in the Practice of Substance Abuse Disorder Counseling – Discussion and Consideration

K. Section Reports – Discussion and Consideration

L. Discussion and Consideration of Items Added After Preparation of Agenda

1. Introductions, Announcements and Recognition
2. Nominations, Elections, and Appointments
3. Administrative Matters
4. Election of Officers
5. Appointment of Liaisons and Alternates
6. Delegation of Authorities
7. Education and Examination Matters
8. Credentialing Matters
9. Practice Matters
10. Administrative Rule Matters
11. Legislative and Policy Matters
12. Liaison Reports
13. Board Liaison Training and Appointment of Mentors
14. Informational Items
15. Division of Legal Services and Compliance (DLSC) Matters
16. Motions
17. Petitions
18. Appearances from Requests Received or Renewed
19. Speaking Engagements, Travel, or Public Relation Requests, and Reports

M. Public Comments

ADJOURNMENT

NEXT MEETING: JANUARY 28, 2020 (TENTATIVE)

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL
WORK EXAMINING BOARD
MEETING MINUTES
JULY 23, 2019**

PRESENT: Bridget Ellingboe, Peter Fabian, Alice Hanson-Drew (*via Skype*), Kristin Koger, Elizabeth Krueger (*via Skype, arrived at 11:04 a.m.*), Kathleen Miller (*via Skype: excused at 1:00 p.m.*), Tammy Scheidegger, Todd Tedrow, Gregory Winkler

EXCUSED: Allison Gordon

STAFF: Debra Sybell, Executive Director; Lauren Tobiason, Legal Counsel; Sharon Henes, Rules Coordinator; Kimberly Wood, Program Assistant Supervisor-Advanced; and other DSPS Staff

CALL TO ORDER

Bridget Ellingboe, Chairperson, called the meeting to order at 11:00 a.m. A quorum of eight (8) members was confirmed.

ADOPTION OF AGENDA

MOTION: Tammy Scheidegger moved, seconded by Bridget Ellingboe, to approve the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF MARCH 18, 2019

MOTION: Tammy Scheidegger moved, seconded by Elizabeth Krueger, to approve the Minutes of March 18, 2019 as published. Motion carried unanimously.

(Elizabeth Krueger arrived at 11:04 a.m.)

ADMINISTRATIVE MATTERS

Board Member – Term Expiration Date

MOTION: Peter Fabian moved, seconded by Bridget Ellingboe, to recognize and thank Linda Pellmann for her 7 years of dedicated service to the Section, MPSW Examining Board, and the State of Wisconsin. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULES MATTERS

Scope Statement on MPSW 2 and 3 Relating to Clinical Social Work Concentration

MOTION: Gregory Winkler moved, seconded by Todd Tedrow, to approve the Scope Statement revising MPSW 2 and 3, relating to clinical social work concentration, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

Scope Statement on MPSW 11 Relating to Degrees from Programs Accredited by the Commission for Accreditation of Counseling or the Council on Rehabilitation Education

MOTION: Tammy Scheidegger moved, seconded by Gregory Winkler, to approve the Scope Statement revising MPSW 11, relating to degrees from programs accredited by the Commission for Accreditation of Counseling or the Council on Rehabilitation Education, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

MPSW 3, 11, and 16 Relating to Discrimination Based on Arrest or Conviction Record

MOTION: Peter Fabian moved, seconded by Tammy Scheidegger, to approve the preliminary rule draft of MPSW 3, 11, and 16, relating to discrimination based on arrest or conviction record, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

(Kathleen Miller was excused at 1:00 p.m.)

MPSW 16, Relating to Education Equivalent to a Graduate Degree in Marriage and Family Therapy from a Program Accredited by COAMFTE

MOTION: Peter Fabian moved, seconded by Tammy Scheidegger, to approve the preliminary rule draft of MPSW 16, relating to education equivalent to a graduate degree in Marriage and Family Therapy from a program accredited by COAMFTE, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

ADJOURNMENT

MOTION: Todd Tedrow moved, seconded by Tammy Scheidegger, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:18 p.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jon Derenne, Administrative Rules Coordinator		2) Date when request submitted: October 3, 2019 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
4) Meeting Date: October 15, 2019	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1. Public Hearing on Clearinghouse Rule 19-116 relating to discrimination based on arrest or conviction record. ·Review and respond to Clearinghouse Report and Public Hearing comments. 2. Public Hearing on Clearinghouse Rule 19-115 relating to education equivalent to a degree in marriage and family therapy from a program accredited by COAMFTE. ·Review and respond to Clearinghouse Report and Public Hearing comments.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <i>Jon Derenne</i> <hr/> Signature of person making this request </div> <div style="width: 35%; text-align: right;"> October 3, 2019 <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;"> <hr/> Supervisor (if required) </div> <div style="width: 35%; text-align: right;"> <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;"> <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 35%; text-align: right;"> <hr/> Date </div> </div>			

State of Wisconsin
Department of Safety & Professional Services

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, 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 and recreate MPSW 3.01 (5), 3.05 (5), 3.07 (6), 3.09 (6), 3.12 (1) (d), (2) (d), (3) (d), (4) (d), 3.13 (1) (c), 11.01 (5), 11.04 (4), and 16.01 (5), and to create MPSW 11.04 (4m), relating to discrimination based on arrest or conviction record.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 111.321, 111.322, and 111.335, Stats.

Statutory authority: ss. 15.08 (5) (b) and 227.11 (2) (a), Stats.

Explanation of agency authority:

“Each 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.” [s. 15.08 (5) (b), Stats.]

“Each 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...” [s. 227.11 (2) (a), Stats.]

Related statute or rule: None.

Plain language analysis:

2017 Wisconsin Act 278 enacted statutory changes to ch. 111, Stats., prohibiting a licensing agency from refusing to license an individual, or suspending a license, on the basis of a substantially related pending criminal charge, unless the charge is for one of certain specified crimes against a child or life and bodily security, or a violent crime against a child.

This rule project revises the MPSW code pertaining to applications in order to clarify that applicants are required to submit documentation of their conviction record, and are only required to submit documentation of a pending charge if it is substantially related and it involves a crime against a child or life and bodily security, or a violent crime against a child, as defined in s. 111.335, Stats.

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:

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

Comparison with rules in adjacent states:

Illinois: Marriage and family therapists, social workers, and professional counselors are regulated by the Illinois Department of Financial and Professional Regulation.

The rules of professional conduct for marriage and family therapists provide that a therapist convicted of any crime, or who engages in conduct which could lead to a conviction, related to the therapist's qualifications or professional responsibilities may be subject to disciplinary action. (s. 1283.100 Professional Conduct).

The rules of professional conduct for social workers provide that the division may revoke, refuse to issue, or renew a license or take other disciplinary action if a social worker providing services or supervising services commits any dishonest, corrupt, or fraudulent act that is substantially related to the social worker's functions or duties. (s. 1470.96 Unethical, Unauthorized, and Unprofessional Conduct).

The Department of Financial and Professional Regulation code does not provide for disciplinary action against professional counselors who face charges or have a conviction record.

Iowa: The Board of Behavioral Science within the Iowa Department of Public Health regulates marital and family therapists and mental health counselors. Marital and family therapists and mental health counselors may be disciplined if convicted of a crime related to the profession, or a crime that would affect the ability to practice within the profession (Iowa Administrative Code s. 645.33.2). There is no provision in the rules to discipline a licensee who merely has a pending charge.

The Board of Social Work within the Iowa Department of Public Health regulates social workers. Social workers may be disciplined if convicted of a crime related to the profession, or a crime that would affect the ability to practice within the profession (Iowa Administrative Code s. 645.283.2). There is no provision in the rules to discipline a licensee who merely has a pending charge.

Michigan: The Michigan Department of Licensing and Regulatory Affairs regulates marriage and family therapists, professional counselors, and social workers. Individuals licensed under the Michigan Public Health Code (including marriage and family therapists, professional counselors, and social workers) must be “of good moral character.” (MCL 333.16174 (1) (b)). The agency may consider a judgment of guilt in a criminal prosecution or a judgment in a civil action in determining whether an individual is of good moral character. The individual can provide evidence showing that they are of good moral character to rebut a previous criminal or civil judgment (MCL 338.42).

Minnesota: The Minnesota Marriage and Family Therapy Board regulates marriage and family therapists. The board may suspend, revoke, condition, limit, qualify, or restrict a license if the individual is convicted of a crime that renders the person unfit to practice marriage and family therapy. These crimes are enumerated in 5300.0330 Sup. 2 of the Minnesota Administrative Rules.

The Minnesota Board of Behavioral Health and Therapy regulates professional counselors. A professional counselor may not violate any law in which the facts giving rise to the violation involve the practice of professional counseling.

The Minnesota Board of Social Work regulates social workers. The Board’s rules have all been repealed and codified into statute. Section 148E.210 of the Minnesota Statutes provides that the board may take action against a social worker who “engages in acts or conduct adversely affecting the applicant or licensee’s current ability or fitness to engage in social work practice, whether or not the acts or conduct occurred while engaged in the practice of social work.”

Summary of factual data and analytical methodologies:

The MPSW board reviewed and seeks to revise its rules to bring them into compliance with the statutory changes enacted by 2017 Wisconsin Act 278.

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

The rule was posted for 14 days for economic comments, and none 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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, 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 608-261-2377; email at DSPSAdminRules@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 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 hearing scheduled for 11:00 AM on October 15, 2019 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 3.01 (5) is repealed and recreated to read:

MPSW 3.01 (5) Documentation necessary for the section to determine, subject to ss. 111.321, 111.322, and 111.335, Stats., whether any of the following apply:

(a) The applicant has a pending charge for an exempt offense as defined in s. 111.335 (1m) (b), Stats. or a violent crime against a child, as defined in s. 111.335 (1m) (d), Stats., which is substantially related to the practice of a social worker.

(b) The applicant has been convicted of a crime substantially related to the practice of a social worker.

SECTION 2. MPSW 3.05 (5) is repealed and recreated to read:

MPSW 3.05 (5) Documentation necessary for the section to determine, subject to ss. 111.321, 111.322, and 111.335, Stats., whether any of the following apply:

(a) The applicant has a pending charge for an exempt offense as defined in s. 111.335 (1m) (b), Stats. or a violent crime against a child, as defined in s. 111.335 (1m) (d), Stats., which is substantially related to the practice of an advanced practice social worker.

(b) The applicant has been convicted of a crime substantially related to the practice of an advanced practice social worker.

SECTION 3. MPSW 3.07 (6) is repealed and recreated to read:

MPSW 3.07 (6) Documentation necessary for the section to determine, subject to ss. 111.321, 111.322, and 111.335, Stats., whether any of the following apply:

(a) The applicant has a pending charge for an exempt offense as defined in s. 111.335 (1m) (b), Stats. or a violent crime against a child, as defined in s. 111.335 (1m) (d), Stats., which is substantially related to the practice of an independent social worker.

(b) The applicant has been convicted of a crime substantially related to the practice of an independent social worker.

SECTION 4. MPSW 3.09 (6) is repealed and recreated to read:

MPSW 3.09 (6) Documentation necessary for the section to determine, subject to ss. 111.321, 111.322, and 111.335, Stats., whether any of the following apply:

(a) The applicant has a pending charge for an exempt offense as defined in s. 111.335 (1m) (b), Stats. or a violent crime against a child, as defined in s. 111.335 (1m) (d), Stats., which is substantially related to the practice of a licensed clinical social worker.

(b) The applicant has been convicted of a crime substantially related to the practice of a licensed clinical social worker.

SECTION 5. MPSW 3.12 (1) (d) is repealed and recreated to read:

MPSW 3.12 (1) (d) Documentation necessary for the section to determine, subject to ss. 111.321, 111.322, and 111.335, Stats., whether any of the following apply:

(a) The applicant has a pending charge for an exempt offense as defined in s. 111.335 (1m) (b), Stats. or a violent crime against a child, as defined in s. 111.335 (1m) (d), Stats., which is substantially related to the practice of a social worker.

(b) The applicant has been convicted of a crime substantially related to the practice of a social worker.

SECTION 6. MPSW 3.12 (2) (d) is repealed and recreated to read:

MPSW 3.12 (2) (d) Documentation necessary for the section to determine, subject to ss. 111.321, 111.322, and 111.335, Stats., whether any of the following apply:

(a) The applicant has a pending charge for an exempt offense as defined in s. 111.335 (1m) (b), Stats. or a violent crime against a child, as defined in s. 111.335 (1m) (d), Stats., which is substantially related to the practice of an advanced practice social worker.

(b) The applicant has been convicted of a crime substantially related to the practice of an advanced practice social worker.

SECTION 7. MPSW 3.12 (3) (d) is repealed and recreated to read:

MPSW 3.12 (3) (d) Documentation necessary for the section to determine, subject to ss. 111.321, 111.322, and 111.335, Stats., whether any of the following apply:

(a) The applicant has a pending charge for an exempt offense as defined in s. 111.335 (1m) (b), Stats. or a violent crime against a child, as defined in s. 111.335 (1m) (d), Stats., which is substantially related to the practice of an independent social worker.

(b) The applicant has been convicted of a crime substantially related to the practice of an independent social worker.

SECTION 8. MPSW 3.12 (4) (d) is repealed and recreated to read:

MPSW 3.12 (4) (d) Documentation necessary for the section to determine, subject to ss. 111.321, 111.322, and 111.335, Stats., whether any of the following apply:

(a) The applicant has a pending charge for an exempt offense as defined in s. 111.335 (1m) (b), Stats. or a violent crime against a child, as defined in s. 111.335 (1m) (d), Stats., which is substantially related to the practice of a clinical social worker.

(b) The applicant has been convicted of a crime substantially related to the practice of a clinical social worker.

SECTION 9. MPSW 3.13 (1) (c) is repealed and recreated to read:

MPSW 3.13 (1) (c) Documentation necessary for the section to determine, subject to ss. 111.321, 111.322, and 111.335, Stats., whether any of the following apply:

(a) The applicant has a pending charge for an exempt offense as defined in s. 111.335 (1m) (b), Stats. or a violent crime against a child, as defined in s. 111.335 (1m) (d), Stats., which is substantially related to the practice of social work.

(b) The applicant has been convicted of a crime substantially related to the practice of social work.

SECTION 10. MPSW 11.01 (5) is repealed and recreated to read:

MPSW 11.01 (5) Documentation necessary for the section to determine, subject to ss. 111.321, 111.322, and 111.335, Stats., whether any of the following apply:

(a) The applicant has a pending charge for an exempt offense as defined in s. 111.335 (1m) (b), Stats. or a violent crime against a child, as defined in s. 111.335 (1m) (d), Stats., which is substantially related to the practice of a professional counselor.

(b) The applicant has been convicted of a crime substantially related to the practice of a professional counselor.

SECTION 11. MPSW 11.04 (4) is repealed and recreated to read:

MPSW 11.04 (4) The applicant does not have a pending charge for an exempt offense as defined in s. 111.335 (1m) (b), Stats. or a violent crime against a child, as defined in s. 111.335 (1m) (d), Stats., which is substantially related to the practice of a professional counselor.

SECTION 12. MPSW 11.04 (4m) is created to read:

MPSW 11.04 (4m) The applicant has not been convicted of a crime substantially related to the practice of a professional counselor.

SECTION 13. MPSW 16.01 (5) is repealed and recreated to read:

MPSW 16.01 (5) Documentation necessary for the section to determine, subject to ss. 111.321, 111.322, and 111.335, Stats., whether any of the following apply:

(a) The applicant has a pending charge for an exempt offense as defined in s. 111.335 (1m) (b), Stats. or a violent crime against a child, as defined in s. 111.335 (1m) (d), Stats., which is substantially related to the practice of a marriage and family therapist.

(b) The applicant has been convicted of a crime substantially related to the practice of a marriage and family therapist.

SECTION 14. 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)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date August 26, 2019</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) MPSW 3, 11, and 16</p>	
<p>4. Subject Discrimination based on arrest or conviction record.</p>	
<p>5. 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</p>	<p>6. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)</p>
<p>7. 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"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. 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)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule 2017 Wisconsin Act 278 enacted statutory changes to ch. 111, Stats., prohibiting a licensing agency from refusing to license an individual, or suspending a license, on the basis of a substantially related pending criminal charge, unless the charge is for one of certain specified crimes against a child or life and bodily security, or a violent crime against a child.</p> <p>This rule project revises the MPSW code pertaining to applications in order to clarify that applicants are required to submit documentation of their conviction record, and are only required to submit documentation of a pending charge if it is substantially related and it involves a crime against a child or life and bodily security, or a violent crime against a child, as defined in s. 111.335, Stats.</p>	
<p>12. 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. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local government units participated in the development of the EIA.</p>	
<p>14. 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 proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit of this rule is to bring the MPSW code into compliance with state law as it relates to discrimination on the basis of conviction or arrest record. Failure to implement the rule may result in the MPSW code being considered out of compliance with state statute.</p>	

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is that the MPSW Board's licensure requirements related to conviction or arrest record will be in compliance with state law.

17. Compare With Approaches Being Used by Federal Government

The federal government does not license marriage and family therapists, social workers, or professional counselors.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: Marriage and family therapists, social workers, and professional counselors are regulated by the Illinois Department of Financial and Professional Regulation.

The rules of professional conduct for marriage and family therapists provide that a therapist convicted of any crime, or who engages in conduct which could lead to a conviction, related to the therapists qualifications or professional responsibilities may be subject to disciplinary action. (s. 1283.100 Professional Conduct).

The rules of professional conduct for social workers provide that the division may revoke, refuse to issue, or renew a license or take other disciplinary action if a social worker providing services or supervising services commits any dishonest, corrupt, or fraudulent act that is substantially related to the social worker's functions or duties. (s. 1470.96 Unethical, Unauthorized, and Unprofessional Conduct).

The Department of Financial and Professional Regulation code does not provide for disciplinary action against professional counselors who face charges or have a conviction record.

Iowa: The Board of Behavioral Science within the Iowa Department of Public Health regulates marital and family therapists and mental health counselors. Marital and family therapists and mental health counselors may be disciplined if convicted of a crime related to the profession, or a crime that would affect the ability to practice within the profession (Iowa Administrative Code s. 645.33.2). There is no provision in the rules to discipline a licensee who merely has a pending charge.

The Board of Social Work within the Iowa Department of Public Health regulates social workers. Social workers may be disciplined if convicted of a crime related to the profession, or a crime that would affect the ability to practice within the profession (Iowa Administrative Code s. 645.283.2). There is no provision in the rules to discipline a licensee who merely has a pending charge.

Michigan: The Michigan Department of Licensing and Regulatory Affairs regulates marriage and family therapists, professional counselors, and social workers. Individuals licensed under the Michigan Public Health Code (including marriage and family therapists, professional counselors, and social workers) must be "of good moral character." (MCL 333.16174 (1) (b)). The agency may consider a judgment of guilt in a criminal prosecution or a judgment in a civil action in determining whether an individual is of good moral character. The individual can provide evidence showing that they are of good moral character to rebut a previous criminal or civil judgment (MCL 338.42).

Minnesota: The Minnesota Marriage and Family Therapy Board regulates marriage and family therapists. The board may suspend, revoke, condition, limit, qualify, or restrict a license if the individual is convicted of a crime that renders the person unfit to practice marriage and family therapy. These crimes are enumerated in 5300.0330 Sup. 2 of the Minnesota Administrative Rules.

The Minnesota Board of Behavioral Health and Therapy regulates professional counselors. A professional counselor may not violate any law in which the facts giving rise to the violation involve the practice of professional counseling.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

The Minnesota Board of Social Work regulates social workers. The Board's rules have all been repealed and codified into statute. Section 148E.210 of the Minnesota Statutes provides that the board may take action against a social worker who "engages in acts or conduct adversely affecting the applicant or licensee's current ability or fitness to engage in social work practice, whether or not the acts or conduct occurred while engaged in the practice of social work."

19. Contact Name Sharon Henes	20. Contact Phone Number (608) 261-2377
----------------------------------	--

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

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

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)

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

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

5. Describe the Rule's Enforcement Provisions

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

- Yes No
-



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit S. Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
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 19-116

AN ORDER to repeal and recreate MPSW 3.01 (5), 3.05 (5), 3.07 (6), 3.09 (6), 3.12 (1) (d), (2) (d), (3) (d), and (4) (d), 3.13 (1) (c), 11.01 (5), 11.04 (4), and 16.01 (5), relating to discrimination based on arrest or conviction record.

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

08-29-2019 RECEIVED BY LEGISLATIVE COUNCIL.

09-23-2019 REPORT SENT TO AGENCY.

MSK:SM

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

- 1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO

- 2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO

- 3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO

- 4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]
Comment Attached YES NO

- 5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO

- 6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO

- 7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO

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

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
(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board to renumber MPSW 16.02 (intro) and to create MPSW 16.02 (2), relating to education equivalent to a graduate degree in marriage and family therapy from a program accredited by COAMFTE.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 457.03 (1), Stats.

Statutory authority: Sections 15.08 (5) (b) and 457.03 (1), Stats.

Explanation of agency authority:

“Each 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.” [s. 15.08 (5) (b), Stats.]

“Upon the advice of the social worker section, marriage and family therapist section, and professional counselor section, promulgate rules establishing minimum standards for educational programs that must be completed for certification or licensure under this chapter and for supervised clinical training that must be completed for licensure as a clinical social worker, marriage and family therapist, or professional counselor under this chapter and approve educational programs and supervised clinical training programs in accordance with those standards.” [s. 457.03 (1), Stats.]

Related statute or rule: None.

Plain language analysis:

The rule clarifies that courses taken outside of the program study leading to a master's or doctorate degree are acceptable to obtain program equivalency.

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 Board held a preliminary hearing on the statement of scope for this rule at its March 18, 2019 meeting. No comments were received.

Comparison with rules in adjacent states:

Illinois: According to Illinois Admin Code s. 1283.30 (e), courses taken at a post-degree institution may count as equivalent for an education requirement if the institution's training program is accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), or meets the following requirements:

- 1) The institution's program is established to achieve coherent mission and training objectives and the program has as its primary objective the training of marriage and family therapists.
- 2) The specific course submitted as equivalent to those defined in subsection (b) is taught by faculty who hold graduate degrees and are trained and credentialed in the field in which they teach.
- 3) Courses must be offered by an established, identifiable facility or agency.
- 4) Courses must be ongoing and additive (offered at the same place over a specific period of time and available on an ongoing basis) or offered off site by an acceptable post degree institution with an established, identifiable home-base facility or agency.
- 5) Courses must include outlines, clear description of content, appropriate bibliography, and other indications or meet generally acceptable criteria for academic offerings.
- 6) Correspondence courses are not acceptable.

Iowa: According to IAC 645—31.4(2), an applicant can attain licensure as a marriage and family therapist with a master's degree in a counseling related field, and various semester hours of required coursework documented on the applicant's graduate transcript.

Michigan: Michigan Admin Code R 338.7205 (a) (ii) allows an individual to complete graduate level courses outside of the master's or higher graduate degree attained in order to meet educational requirements for licensure as a marriage and family therapist.

Minnesota: Minnesota code requires a graduate degree in a subject field related to marriage and family therapy, and the degree program must contain the required coursework enumerated in the rule. Minn. Admin Code 5300.0140 (2).

Summary of factual data and analytical methodologies:

The Board determined that it was necessary to clarify that courses taken outside of a degree program can count towards the academic program equivalent to a master's or doctorate degree in marriage and family therapy to prevent confusion and barriers to entry to the profession.

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

The rule was posted for 14 days to receive economic comments. 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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, 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 608-261-2377; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Sharon Henes, Administrative Rule 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 hearing scheduled for 11:00 AM on October 15, 2019 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 16.02 (intro) is renumbered MPSW 16.02 (1).

SECTION 2. MPSW 16.02 (2) is created to read:

MPSW 16.02 (2) An applicant may, at an institution which was accredited by its regional accrediting association at the time the course was completed, complete credit hours outside the program of studies leading to a master's or doctorate degree in order to meet the requirements in this 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)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date August 26, 2019</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) MPSW 16</p>	
<p>4. Subject Education equivalent to a graduate degree in marriage and family therapy from a program accredited by COAMFTE</p>	
<p>5. 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</p>	<p>6. Chapter 20, Stats. Appropriations Affected 20.165 (1)(g)</p>
<p>7. 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"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. 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)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule The Board determined that it was necessary to clarify that courses taken outside of a degree program can count towards the academic program equivalent to a master's or doctorate degree in marriage and family therapy to prevent confusion and barriers to entry to the profession.</p>	
<p>12. 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. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local government units, and individuals that may be affected by the rule. No comments were received.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local government units participated in the development of the EIA.</p>	
<p>14. 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) The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The rule will provide clarity for stakeholders that courses taken outside of a degree program can count towards the academic program equivalent to a master's or doctorate degree in marriage and family therapy. If the rule is not implemented, stakeholders will continue to face a lack of clarity as to the education equivalency requirements for licensure as a marriage and family therapist.</p>	
<p>16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is that the administrative rules relating to education equivalency will specify that courses taken outside of a degree program may be counted towards the academic program equivalent to a master's or doctorate degree in marriage and family therapy, if the course is offered by a regionally accredited institution. This may have the effect of</p>	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

preventing confusing and reducing potential barriers to entry to the profession.

17. Compare With Approaches Being Used by Federal Government

The federal government does not license marriage and family therapists.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: According to Illinois Admin Code s. 1283.30 (e), courses taken at a post-degree institution may count as equivalent for an education requirement if the institution's training program is accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), or meets the following requirements:

- 1) The institution's program is established to achieve coherent mission and training objectives and the program has as its primary objective the training of marriage and family therapists.
- 2) The specific course submitted as equivalent to those defined in subsection (b) is taught by faculty who hold graduate degrees and are trained and credentialed in the field in which they teach.
- 3) Courses must be offered by an established, identifiable facility or agency.
- 4) Courses must be ongoing and additive (offered at the same place over a specific period of time and available on an ongoing basis) or offered off site by an acceptable post degree institution with an established, identifiable home-base facility or agency.
- 5) Courses must include outlines, clear description of content, appropriate bibliography, and other indications or meet generally acceptable criteria for academic offerings.
- 6) Correspondence courses are not acceptable.

Iowa: According to IAC 645—31.4(2), an applicant can attain licensure as a marriage and family therapist with a master's degree in a counseling related field, and various semester hours of required coursework documented on the applicant's graduate transcript.

Michigan: Michigan Admin Code R 338.7205 (a) (ii) allows an individual to complete graduate level courses outside of the master's or higher graduate degree attained in order to meet educational requirements for licensure as a marriage and family therapist.

Minnesota: Minnesota code requires a graduate degree in a subject field related to marriage and family therapy, and the degree program must contain the required coursework enumerated in the rule. Minn. Admin Code 5300.0140 (2).

19. Contact Name

Sharon Henes, Administrative Rules Coordinator

20. Contact Phone Number

(608) 261-2377

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

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

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)

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

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

5. Describe the Rule's Enforcement Provisions

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

- Yes No
-



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit S. Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
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 19-115

AN ORDER to renumber MPSW 16.02 (intro.); and to create MPSW 16.02 (2), relating to education equivalent to a graduate degree in marriage and family therapy from a program accredited by COAMFTE.

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

08-29-2019 RECEIVED BY LEGISLATIVE COUNCIL.

09-23-2019 REPORT SENT TO AGENCY.

SG:BL

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 19-115

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

The text of SECTION 1 of the proposed rule should be revised to state that “MPSW 16.02 is renumbered MPSW 16.02 (1)”. This is because, in order to create a new sub. (2) under the proposed rule, the entire current section, including s. MPSW 16.02 (intro.) and (1) to (9) must be renumbered as sub. (1) and pars. (a) to (i). Alternatively, the agency could repeal and recreate s. MPSW 16.02, including the material added by the proposed rule.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jon Derenne, Administrative Rules Coordinator		2) Date when request submitted: October 3, 2019 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
4) Meeting Date: October 15, 2019	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1. MPSW 3 relating to the practice requirement for licensure as a clinical social worker 2. MPSW 1, 3, and 5 relating to examinations 3. MPSW 20 relating to unprofessional conduct 4. ASWB exam use policy 5. Pending or possible rulemaking projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Jon Derenne</i>		October 3, 2019	
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, AND SOCIAL WORK EXAMINING BOARD

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
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board to amend MPSW 3.09 (3) relating to the practice requirement for licensure as a clinical social worker.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 457.08 (4) (c) and (5), Stats.

Statutory authority: Sections 15.08 (5) (b), 457.03 (1) and (3), and 457.08 (5), Stats.

Explanation of agency authority:

“Each 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.” [s. 15.08 (5) (b), Stats.]

“Upon the advice of the social worker section...promulgate rules establishing minimum standards for educational programs that must be completed for certification or licensure under this chapter and for supervised clinical training that must be completed for licensure as a clinical social worker...under this chapter and approve educational programs and supervised clinical training programs in accordance with those standards.” [s. 457.03 (1), Stats.]

“Upon the advice of the social worker section, 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.” [s. 457.03 (3), Stats.]

“In its discretion, the examining board may establish a number of hours required for the diagnosis and treatment of individuals based on the applicable edition of the Diagnostic and Statistical Manual of Mental Disorders or its equivalent for purposes of sub. (4) (c). The number of hours required under this subsection may not exceed 600.” [s. 457.08 (5), Stats.]

Related statute or rule: None.

Plain language analysis:

This rule removes the requirement that an applicant for licensure as a clinical social worker must complete the required 3,000 hours of supervised practice in no less than 2 years. Further, the rule establishes the number of face-to-face hours required for diagnosis and treatment of individuals based upon the Diagnostic and Statistical Manual of Mental Disorders (DSM), or its equivalent, at 500 hours.

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 board held a preliminary hearing on statement of scope at its March 18, 2019 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 s. 1470.20)

Iowa:

Applicants for licensure as a licensed independent social worker, the Iowa equivalent to a clinical social worker, must complete at least 4,000 ours of supervised social work practice, which shall include psychosocial assessments, including evaluation of symptoms and behaviors and he effects of the environment on behavior, 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. (Iowa Admin Code s. 645-280.6(154C))

Michigan:

Applicants for licensure as a clinical social worker 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. (Mich. Admin Code R338.2953)

Minnesota:

Applicants for licensure as a licensed independent clinical social worker must have accrued at least 4,000 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. (Minn. Stats. 148E.115)

Summary of factual data and analytical methodologies:

In setting the required hours of DSM diagnosis and treatment at 500 hours and removing the requirement that the 3,000 supervised training hours be completed in no less than two years, the Board balanced the need for portability of the clinical social work credential across state lines, along with the need to ensure clinical social workers are competent to treat Wisconsin clients.

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

The rule will be posted for 14 days on the Department’s website to solicit comments on potential economic impact.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis will be attached upon completion.

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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Jon Derenne, 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 608-266-0955; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Jon Derenne, 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 TBD to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 3.09 (3) is amended to read:

MPSW 3.09 (3) Except as provided in sub. (3m), an affidavit that the applicant, after receiving a master's or doctoral degree and after receiving certification as an advanced practice social worker or an independent social worker, has completed at least 3,000 hours of clinical social work practice ~~in no less than 2 years~~, including at least 1,000 hours of face-to-face client contact, ~~and including~~ At least 500 hours of the required 1,000 hours of face-to-face client contact must involve DSM diagnosis and treatment of individuals.; All hours must be accumulated under the supervision of a supervisor approved by the social worker section. Pre-licensed supervised practice shall meet the criteria under s. MPSW 4.01.

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.

(END OF TEXT OF RULE)

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

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
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to repeal MPSW 1.05 (5), 1.06, and 1.07; and to amend MPSW 1.05 (3), (6) and (7), 3.01 (3), 3.05 (3), 3.07 (4), 3.09 (4), 3.11 and 5.01 relating to examinations.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 457.03 (1m) and (3), Stats.

Statutory authority: Sections 15.08 (5) (b), and 457.03 (1m) and (3), Stats.

Explanation of agency authority:

15.08 (5) (b) Each examining board shall 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.

457.03 (1m) Upon the advice of the social worker section, marriage and family therapist section, and professional counselor section, and consistent with s. 457.16, promulgate rules establishing examination requirements for certification and licensure under this chapter.

457.03 (3) Upon the advice of the social worker section, 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.

Related statute or rule: None.

Plain language analysis:

The rule project clarifies that there are two separate examinations required for licensure under the chapter, one which tests whether or not the applicant is competent in their area of practice, and another which tests the applicant’s knowledge of Wisconsin statutes and rules related to their practice area. Currently, the rules refer to the examinations as two parts of the same examination, when they are actually two separate examinations.

The rule project also removes several obsolete provisions. The rules currently exempt an applicant from taking the Wisconsin statutes and rules examination if they have passed the examination as part of an application for another social worker credential within the last five years. The rule project removes the five year requirement.

The rule project also repeals obsolete provisions relating to examination review and claims of examination error, as well as a provision allowing the Board to deny the release of grades or issuance of a credential if the board determines that the applicant violated rules of conduct or otherwise acted dishonestly.

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:

Comparison with rules in adjacent states:

Illinois:

Illinois requires applicants for licensure as a marriage and family therapist to pass the Association of Marital & Family Therapy Regulatory Boards (AMFTRB) national examination (Ill. Admin. Code s. 1283.40). Social work applicants are required to pass the Association of Social Work Boards (ASWB) masters examination for a licensed social workers, and the clinical examination for clinical social workers. (Ill. Admin. Code s. 1470.70). For licensure as a professional counselor, an applicant may pass either the National Counselor Examination (NCE) or the Certified Rehabilitation Counselor Examination (CRCC) (Ill. Admin. Code s. 1375.60). Licensure as a clinical professional counselor requires passage of the NCE in addition to the National Clinical Mental Health Counseling Examination (NCMHCE) (Ill. Admin. Code s. 1375.150 (a)).

There is not a state statute specific examination. Nor do the social work, marriage and family therapy, nor professional counselor rules contain procedures for the review of examination or claims of examination error, nor a provision relating to the denial of the release of grades or issuance of a credential if the board determines that the applicant violated the rules of conduct or otherwise acted dishonestly.

Iowa: Iowa requires an applicant for licensure as a marital and family therapist to pass the AMFTRB examination in marital and family therapy (IAC 31.3 (1) (a)). Applicants for licensure as mental health counselor are required to pass either the NCE or the NCMHCE (IAC 31.3 (1) (b)). Applicants for a social work license must pass the ASWB examination at the level commensurate with their credential (IAC 280.4 (1)). For example, a bachelor level social worker must pass the basic level examination, a master level social worker must pass the intermediate level examination, and an independent level social worker must pass the clinical level examination (Id.).

There is not a state statute specific examination. Nor do the social work, marriage and family therapy, nor professional counselor rules contain procedures for the review of examination or claims of examination error, nor a provision relating to the denial of the release of grades or issuance of a credential if the board determines that the applicant violated the rules of conduct or otherwise acted dishonestly.

Michigan: Applicants for licensure as a marriage and family therapist must pass the AMFTRB marital and family therapy examination (R. 338.7205 (d)). Bachelor's level social workers must pass the ASWB bachelor's examination (R. 338.2941 (1) (c)), master's level social workers must pass either the ASWB advanced generalist examination or clinical examination (R. 338.2951 (1) (b) and 338.2953 (b)). Licensure as a professional counselor requires passage of either the NCE or CRCC examination (R. 338.1752 (3) (b)).

There is not a state statute specific examination. Nor do the social work, marriage and family therapy, nor professional counselor rules contain procedures for the review of examination or claims of examination error, nor a provision relating to the denial of the release of grades or issuance of a credential if the board determines that the applicant violated the rules of conduct or otherwise acted dishonestly.

Minnesota: Licensure as a marriage and family therapist in Minnesota requires passage of both the AMFTRB marital and family therapy examination as well as a state oral examination testing knowledge of state laws, ethics, and professional responsibilities (Minn. Admin. Code 5300.0130 (1) (F)). Licensure as a professional counselor is set by state statute, and requires passage of the NCE or an equivalent national examination as determined by the board, and ethical, oral, and situational examinations if prescribed by the board (Minn. Stats. 148B.53 (1) (a) 5.). It does not appear that the board has approved additional examinations or prescribed additional testing by rule.

Licensure as a licensed social worker requires passage of the ASWB bachelor's examination (Minn. Stats. 148E.055 (2) (a) 2.), passage of the master's examination administered by the ASWB for licensure as a licensed graduate social worker (Minn. Stats. 148E.055 (3) (a) 2.), passage of the advanced generalist ASWB examination for licensure as an independent social worker (Minn. Stats. 148E.055 (4) (a) 3.), and passage of the ASWB clinical examination for licensure as a clinical social worker (Minn. Stats. 148E.055 (5) (a) 4.).

There is not a state statute specific examination for professional counselors and social workers. Neither the social work, marriage and family therapy, nor professional counselor rules nor statutes contain procedures for the review of examination or claims of examination error, nor a provision relating to the denial of the release of grades or issuance of a credential if the board determines that the applicant violated the rules of conduct or otherwise acted dishonestly.

Summary of factual data and analytical methodologies:

The Board reviewed its rules with the purpose of updating its processes and procedures. This rule removes obsolete provisions and clarifies and streamlines examination provisions which impact all the professions credentialed by the Board.

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

The rule will be posted on the department’s website for 14 days to solicit input on possible economic impact.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis will be 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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Jon Derenne, 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 608-266-0955; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Jon Derenne, 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 TBD to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 1.05 (3) is amended to read:

MPSW 1.05 (3) The social work examination process consists of a 2-part examination2 examinations. ~~Part I is an~~ One examination pertaining tests entry level competency in the practice area for which the credential is sought. to the profession; ~~part II. The other examination is an examination on tests knowledge of the provisions of the Wisconsin Statutes and Administrative Code that pertain to the practice area~~ profession. ~~Parts I and II of the examination administered under this chapter test entry level competency in the practice area for which the credential is sought. Parts I and II of the examination seek to determine that an applicant's knowledge is sufficient to protect public health, safety and welfare.~~

SECTION 2. MPSW 1.05 (5) is repealed.

SECTION 3. MPSW 1.05 (6) and (7) are 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 an~~ 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~~ testing entry level competency.

(7) An applicant for certification as a social worker, advanced practice social worker, or independent social worker or for licensure as a clinical social worker, need not take the examination testing provisions of the Wisconsin Statutes and Administrative Code that pertain to the profession if ~~within the 5 years preceding the date of application,~~ the applicant took and passed ~~part II~~ the state statute and administrative code examination in the process of applying for and receiving another social worker credential from the section.

SECTION 4. MPSW 1.06 and 1.07 are repealed.

SECTION 5. MPSW 3.01 (3) is amended to read:

MPSW 3.01 (3) Verification of successful completion of the ~~examination~~ required examinations.

SECTION 6. MPSW 3.05 (3) is amended to read:

MPSW 3.05 (3) Verification of successful completion of the ~~examination~~ required examinations.

SECTION 7. MPSW 3.07 (4) is amended to read:

MPSW 3.07 (4) Verification of successful completion of the ~~examination approved by the section~~ required examinations, or verification that the applicant has obtained certification of the Academy of Certified Social Workers (ACSW) of the National Association of Social Workers.

SECTION 8. MPSW 3.09 (4) is amended to read:

MPSW 3.09 (4) Verification of successful completion of the ~~examination approved by the section~~ required examinations, or verification that the applicant has obtained certification of the Academy of Certified Social Workers (ACSW) of the National Association of Social Workers.

SECTION 9. MPSW 3.11 is amended to read:

MPSW 3.11 (1) The social worker section may issue a temporary certificate permitting the use of the title “social worker” to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the social worker certificate except for passing the required ~~examination~~ examinations.

(2) The social worker section may issue a temporary certificate permitting the use of the title “advanced practice social worker” to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the advanced practice social worker certificate except for passing the required ~~examination~~ examinations.

(3) The social worker section may issue a temporary certificate permitting the use of the title “independent social worker” to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the independent social worker certificate except for passing the required ~~examination~~ examinations.

(4) The social worker section may issue a temporary license permitting the practice of clinical social work and the use of the title “clinical social worker” to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the clinical social worker license except for passing the required ~~examination~~ examinations.

(5) The temporary credential expires upon notification of successful completion of the ~~examination~~ required examinations or expiration of the 9 month period, whichever is earlier. The temporary credential may be renewed once.

SECTION 10. MPSW 5.01 is amended to read:

MPSW 5.01 (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~~ examinations 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~~ examinations may be taken prior to completion of the required degree.

(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~~examinations may be taken prior to completion of the required degree.

(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~~examinations 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~~examinations may be taken prior to completion of the required period of supervised practice.

SECTION 11. 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)



Countdown clock starts July 1

ASWB's Board of Directors set July 1, 2016, as the implementation date for establishing procedures to ensure member jurisdictions are in compliance with the exam use policy

Exceptions are like raindrops. A drop here and a drop there don't amount to much. But when enough drops fall, before you know it you've got a destructive flood on your hands. That's the idea behind a recent ASWB Board of Directors decision on the association's examination policy.

At its January meeting, the ASWB Board of Directors discussed the issue of maintaining exam validity and defensibility when it is known that the exams are being used in ways that are outside of policy. At present, that inconsistent use occurs in 24 instances in various licensure categories across several jurisdictions. One example: candidates being approved to take an exam for which they do not meet education or experience levels established in policy.

"It's important to understand that the exams are not hierarchical," said Dwight Hymans, ASWB executive vice president. "The Bachelors exam has been validated to measure minimum competence for the bachelors scope of practice, and it is the same for the Masters exam and the Clinical exam—they also are tools to measure the scopes of practice identified for these exam categories. If too many people take an exam for which they do not meet the qualifications according to policy, there is a risk

of invalidating the exam for its correct use."

The idea is that the examinations are designed to support the concept that Bachelors, Masters and Clinical scopes of practice are distinct scopes, not levels of practice that somehow supersede or encapsulate each other. For example, Clinical social work practice is just that – Clinical practice. And passing the ASWB Clinical examination doesn't necessarily mean that the successful candidate possesses the knowledge, skills, and abilities to practice at the Baccalaureate level, because the ASWB Clinical examination does not test Bachelors content.

In fact, passing the Masters exam means that the test-taker has demonstrated minimum competency in the knowledge, skills, and abilities needed to perform master's social work only. The Masters exam does not test for any other scope of practice and a passing score does not demonstrate the test-taker's ability to practice competently in any other category of practice.

These three practice categories have been defined by social workers themselves through their responses to the practice analysis that ASWB conducts every five to seven years as part of its exam

development process—and that has been true since the first practice analysis was conducted in 1981-1982. Bachelors educated social workers are surveyed about tasks performed in their practice as a bachelor social worker; master’s educated social workers are surveyed about tasks performed in their practice as master social workers; and so on for clinical social workers and masters educated social workers with two or more years of experience in non-clinical or macro-practice settings (the Advanced Generalist exam category). The content outlines that form the blueprints for each exam bear out the differences. Rather than thinking of the exams as hierarchical, it is more accurate to think of them as parallel.

For the ASWB examinations, the difficulty occurs when a candidate takes an examination that doesn’t match his or her education and experience. Because the examinations use test-taker response data to monitor the quality and consistency of each test question, the mismatch between the test’s target audience and the individual test-taker opens up the possibility for that data to be clouded.

“It’s true that the numbers of candidates currently taking a test not intended for them is still small enough that it’s having little effect on our item data,” Hymans said. “But if these policy exceptions continue, the potential is there for the data to be skewed.”

Enough skewed data, and test items that once performed the way they’re supposed to start showing problems, and new items being pretested (a type of audition in which they’re included in a test as nonscored questions in order to

gauge their performance) become difficult to establish as valid, reliable measures. Obviously any fixes are extremely expensive, and along the way, public confidence in the validity of the licensure examination can begin to erode.

Historically, the Board has allowed members to choose which exam to use for each licensure category in their state or province. While members were encouraged to follow the exam use policy, ASWB did not object if a member board deviated from policy. However, as the use of the exam expands, the potential for inappropriate use also increases.

For that reason, the Board determined that compliance with policy was a priority. “Enforcing appropriate use of the exams helps maintain the highest psychometric and legally defensible standards on behalf of our members that use the exam(s) as part of their licensing process,” wrote ASWB CEO Mary Jo Monahan in a memo announcing the implementation plan to member board chairs and administrators in May. ASWB consulted with HumRRO, its psychometric consultant, about the impact of this issue and HumRRO advised ASWB to use all exams for their intended (validated) purpose. The purpose of each exam is defined in item 14 of policy [2.1 Procedures](#).

The process to move ASWB member boards toward a consistent, policy-driven use of the ASWB examinations begins July 1, 2016. That’s when the clock starts ticking on a five-year time period within which members are expected to comply. As summarized in the announcement:

- Members wishing to use the exams outside the exam use

policy must submit a written request for an exception. Staff will review the request with our psychometric consultant and/or our test administration vendor [Pearson VUE] and make a recommendation to the Board of Directors. The Board will consider the request and make a final decision. The decision will be communicated to the member.

- Members currently using the exam(s) outside the exam use policy will be notified. Members will be given three options: change the necessary jurisdictional laws/regulations/policies; request an exception (as described above); cease using the exam(s) for the noncompliant purpose. Members must complete one of these options no later than five years from the July 1, 2016, implementation date.
- If an exception is not granted by the Board of Directors, ASWB will no longer be able to support the validity of the exam(s) used for the noncompliant purpose.

The Board made the decision to implement these procedures to help members make the change now to avoid having to make legislative changes later. The five-year time frame is intended to give members time to make legislative changes if necessary, although it is hoped that this will not be the case in the majority of jurisdictions where change must be undertaken. “It is not ASWB’s intent to place extra burdens on our membership,” Monahan concluded in her announcement, “and we will provide assistance to members

making efforts to change laws and regulations that conflict with the exam use policy.”

The bottom line, says Hymans: “Everyone is putting themselves and the exam at potential risk when they use the exam outside policy. There’s a bigger picture to consider. It’s not just ‘what works for my jurisdiction.’”

The full description of the procedures summarized above was included in the announcement sent by email and U.S. postal mail to member board chairs and administrators and is available upon request. Hymans is the point of contact for any questions or if members need assistance. He can be reached at dhymans@aswb.org

or at 800.225.6880, ext. 3110.

Exam validity through the lens of mobility

In the last 10 years, score transfers have doubled as the social work workforce has become more mobile. The social work licensing exams are recognized as a North American test: pass an exam in one jurisdiction and the pass is accepted in every other member jurisdiction that uses that exam as part of its licensure process. In Canada, two provinces currently use the exams as part of registering social workers, and other provinces are beginning to explore use of the exams as well.

When license categories are equivalent from jurisdiction to jurisdiction, as recommended in ASWB’s Model Social Work Practice Act, a social worker theoretically should be able to move from one jurisdiction to another and transfer a license with relative ease. There are exceptions, however, such as in states where the exam required by jurisdictions for the same license category differs.

In those situations, the social worker has a decision to make: Move and take a different exam to qualify for the equivalent license or don’t move. Sometimes, as with a job transfer or a military deployment, the social worker has no choice but to move and take another exam. In some cases, if the jurisdiction is using an exam outside exam policy, the social worker could be required to take an exam that he or she is not qualified for based on eligibility criteria established in policy. Consider the following.

An MSW educated social worker who passed the Masters exam and is issued a license in one jurisdiction plans to move to another jurisdiction to take a new job. The new jurisdiction has an equivalent license category but requires a passing score on the Bachelors exam. In order to practice in the new state, the social worker will have to take and pass the Bachelors exam, even though the job the social worker will perform will be masters social work and the social worker does not meet the eligibility standards for the Bachelors exam according to policy.

This situation illuminates challenges that jurisdictions must overcome if mobility is to be achieved “in this lifetime.” Although the license is the same in both jurisdictions, the qualifications for licensure are not consistent. Furthermore, if the required exam is not appropriate for the scope of practice then public protection is potentially at risk. The scopes of practice identified in the model law are consistent with the licensing exams used to test competency for that scope. The [model law](#) is available to jurisdictions to refer to when defining scopes of practice to achieve consistency and license comparability.

II. THE EXAMINATIONS

2.1 PROCEDURES

INTRODUCTION:

The fiduciary responsibility of the Association to its Member Boards demands that it maintain the validity, reliability, and security of the social work licensing examinations. Because an examination is valid only for its intended purpose, it is also the responsibility of the Association to define the purpose of each examination and support the appropriate use of the examinations by its Member Boards.

POLICY:

1. Only the Association and/or its Member Boards may authorize the use of Association examinations.
2. The Association will set standards for its examinations and shall establish test administration policies and procedures that shall be followed by all entities involved with the examination process.
3. Member Boards using the ASWB examinations must enter into a contract for such use. The Chief Executive Officer and Chief Operating Officer are authorized to execute contracts with jurisdictions for the Association's examinations.
4. For purposes of evaluating candidates for licensure, Member Boards shall rely only on the official examination score reports available through the Association as direct score reports or by way of score transfers provided by ASWB. Score reports sent directly by candidates are not acceptable for licensure purposes.
5. The testing service selected for the test administration shall enter into a contract with the Association.
6. Any ASWB Member Board may request that a representative of the Association present an overview of the examination development and administrative processes to familiarize the board with the defensibility and validity issues of the examination program. If it is deemed not to pose a threat to examination security or validity, or to provide the basis for any other legal risks, the ASWB Board of Directors may, upon request, allow an ASWB Member Board to review an examination under secure conditions.
7. The categories of examinations offered shall be determined from the results of a practice analysis survey conducted every five to seven years.
8. The fee for the examinations shall be recommended by the Board of Directors and approved by the Delegate Assembly.
9. No candidate may take the examination more frequently than every 90 days, regardless of examination category. Exceptions may be made on a case-by-case basis in the following circumstances:
 - a. when there has been serious, documented malfunction with administration of the examination

II. The Examinations

- b. when a candidate requests to take an examination in a different examination category
- c. when a candidate's employment is in jeopardy and the candidate's raw score on the most recent examination was within five (5) test items of the passing score. The employment circumstance must be documented in writing by the employer, and the exception must be approved by the Member Board.

A maximum of two (2) waivers per candidate may be permitted per examination category.

10. Contracts must include provisions addressing special examination accommodations made under applicable laws related to individuals with disabilities in the United States and human rights legislation in Canada. All special examination accommodations require notification of the Association. The Association will make every effort to accommodate test candidates who have disabilities.
11. Only designated major credit cards, bank certified checks, and/or money orders are accepted for examination fees and ASWB products. All fees will be collected directly by the Association.
12. Candidates will receive their unofficial scores at the time they take the examination electronically. Candidates who take paper and pencil examinations will receive their unofficial scores by mail.
13. ASWB staff and Member Board staff and board members may request to sit for an ASWB exam for purposes of learning about the exam process and security. All individuals who are interested in doing so must contact ASWB to request authorization to test. Before authorization is provided, all individuals testing must sign a confidentiality agreement. These scores are not maintained or counted in psychometric statistics.
14. The Association has defined the intended purpose of each examination as follows, and every candidate shall meet the following requirements prior to testing:

Associate. This examination has been developed for use as a licensure requirement by Member Boards that issue licenses to non-social work-degreed applicants.

Bachelors. This examination has been developed for use as a licensure requirement by Member Boards that issue to individuals with a BSW, upon entry to practice, licenses for basic generalist practice of Baccalaureate Social Work.

Masters. This examination has been developed for use as a licensure requirement by Member Boards that issue to individuals with an MSW, upon entry to practice, licenses for Master's Social Work practice. The practice of Master's Social Work includes the application of specialized knowledge and advanced practice skills.

Advanced Generalist. This examination has been developed for use as a licensure requirement by Member Boards that issue to individuals who have

II. The Examinations

an MSW and two years (or commensurate experience as defined by the jurisdiction) of experience in non-clinical settings, licenses for Advanced Generalist social work practice. Advanced Generalist social work occurs in non-clinical settings that may include macro-level practice.

Clinical. This examination has been developed for use as a licensure requirement by Member Boards that issue to individuals who have an MSW and two years (or commensurate experience as defined by the jurisdiction) of experience in clinical settings, licenses for the practice of Clinical Social Work. The practice of Clinical Social Work requires the application of specialized clinical knowledge and advanced clinical skills.

To ensure the legal defensibility of examination results, the Association reserves the right to allow access to and use of any ASWB examination only for the purpose(s) for which it is intended and as set forth in contractual agreements between the Association and its Member Boards. The Association's support of the legal defensibility of its examinations is limited to use consistent with these policies and with the current practice analysis. Any member desiring to use the exam outside of this policy must apply for a waiver using a procedure approved by the ASWB Board of Directors.

15. The Association shall only register to take one of the Association examinations candidates who have applied to a Member Board for social work licensure, submitted themselves to the legal jurisdiction of the Member Board, and have been approved to take a specific category of examination by such Member Board.
16. Under no circumstances shall any candidate be approved to take an ASWB examination for any purpose other than qualifying for licensure as a social worker. No candidate who has successfully passed an ASWB examination shall be allowed to retake that category of the examination unless verification of the requirement for the retake is provided by a Member Board. Licensure eligibility determinations shall be made by the respective regulatory board/agency.

Adopted 1980. Revised 1983, 1984, 1989, 1990, 1992, 1993, 1994; confirmed by the Executive Committee April 1995. Revised by the Board of Directors 1997, 1998, April 2001, November 2002, October 2004, August 2005, October 2005, November 2007, August 2008, October 2009, August 2010, May 2011, August 2011, August 2012, January 2016, January 2017, April 2019.

2.2 EXAMINATION ADMINISTRATION BY PAPER AND PENCIL

INTRODUCTION:

The examinations are administered under a contract with a testing company, which provides access to a network of electronic testing centers to be used by ASWB candidates. While electronic administration is the standard method, the Association will make provisions for administering the examinations by paper and pencil on a case-by-case basis.

POLICY:

1. All ASWB examinations will be provided in an electronic testing format at centers acceptable to the Association in regard to location, staffing, and security.
2. Paper and pencil examinations will be provided as accommodations if they are requested by candidates with disabilities with the appropriate documentation and approvals.
3. Paper and pencil examinations will also be provided on request to candidates who have no disabilities but have had multiple failures on the computerized test. Such candidates must have failed the same category of the exam at least three times on the computer. The paper and pencil test must be requested in writing and be approved by the Member Board in the jurisdiction where the candidate has applied for licensure. In addition to the regular examination fee, these candidates must meet reasonable costs of paper and pencil testing as determined by the Association at the time of registration. The candidate will be allowed one paper and pencil examination administration. Subsequent retakes must be administered via the standard computer delivery method.
4. In paper and pencil testing for candidates as part of accommodations made under applicable laws related to individuals with disabilities in the United States or human rights legislation in Canada, or for candidates who have experienced multiple failures on the computerized test, the exam must be sent by secure carrier to the testing proctor and returned to the testing contractor by secure carrier.
5. Paper and pencil testing may also be provided to groups of candidates in geographically remote areas where travel to an existing testing site requires undue hardship or expense. This will be determined on a case-by-case basis, but no test administration will be considered if a computerized testing site is accessible by driving times of less than five hours.
6. For a paper and pencil administration because of geographically remote location, at least ten candidates must register to take a form of the examinations on the same date. The Association, Member Boards, and the test contractor will work together to determine a date and registration procedures for the test administration. Proctoring will be provided by the test contractor, and all security procedures will be observed. All materials must be returned to the test contractor by secure carrier.
7. In any paper and pencil testing, all materials must be returned to the test contractor by secure carrier. Results will be provided to the candidate and to the Member Board in a timely manner.

Adopted August 2002 by the Board of Directors; amended April 2005. Revised August 2011, August 2012, January 2016, January 2017.

2.3 EXAMINATION COMMITTEE

INTRODUCTION:

The Association places great importance on development and administration of valid licensing examinations.

POLICY:

1. There shall be as many members of the Examination Committee as are needed to accomplish the work.
2. Members of the Examination Committee shall be appointed by the President to serve for a one-year period, renewable each year for two additional years. The President shall consult with ASWB Examination Development staff and the Examination Committee liaison on appointments and renewals. Membership will be designed to ensure stability. The President designates the chairs, as confirmed by the Board of Directors.
3. Appointees to the Examination Committee must be from jurisdictions with legal regulation of social work. Efforts will be made to achieve diversity in gender, race, and cultural and ethnic backgrounds when making appointments to the committee. This will help to ensure a broad range of thought and ideas from which to draw expertise, and to eliminate as far as possible ethnic, cultural, or gender bias.
4. Appointees to the Examination Committee should have taken at least one social work licensing examination, be licensed in their jurisdiction, and be either a current practitioner or an active member of the faculty of a school of social work. Appointees must also have been trained as item writers. Whenever possible with the pool of appointees available, at least one member who is practicing and one member who is teaching at each examination designation shall be included in the composition of the committee. Efforts will be made to include a wide range of social work practice skills.
5. Before beginning service on the Examination Committee, a new member must sign a confidentiality agreement developed by the Association. This agreement shall include, but not be limited to, restrictions from teaching an examination preparatory course, providing individualized instruction in relation to taking the examination, or taking any category of the examination for which work has been performed for periods of time established in the agreement by the Association.
6. Members of the Examination Committee are prohibited perpetually from revealing specific item content.

Adopted 1983. Revised 1984; confirmed by the Executive Committee April 1995. Revised by the Board of Directors 1998, April 2001, April 2009, August 2009, August 2012, January 2016, January 2017.

2.4 ITEM GENERATION

INTRODUCTION:

It is essential that the Association have a reliable supply of high-quality items to submit to the Examination Committee for review and to be pretested for the item banks. Paid item writers write items and submit them electronically by protected means as designated by the Association with consultants and staff providing additional editing. Items may occasionally come from other sources, but they will be held to the same rigorous review procedures.

POLICY:

1. New writers will be trained annually as needed.
2. All writers must:
 - Have a degree in social work
 - Hold a valid social work license or registration in good standing
 - Be currently practicing or teaching social work classes
3. Each writer must attend an item writer training workshop and will then work by submitting items electronically or by other secure means.
4. Each writer must enter into a contract with the Association to produce a specific number of original items per contract. Writers may be paid up to \$1,500 per contract, and contracts are renewable depending on the item writer's success. Items will be due on a periodic basis.
5. Items may be reviewed by item development consultants and staff for editing as needed before and after going to the Examination Committee for review.
6. Confidentiality agreements as developed by the Association must be signed by all item writers.

Adopted 1984. Confirmed by the Executive Committee April 1995. Revised by the Board of Directors 1998, April 2001, August 2009, August 2012, January 2016, January 2017, January 2018.

2.5 PRETESTING OF ITEMS

INTRODUCTION:

Items shall be pretested and analyzed to be sure they are appropriate for use in the examination.

POLICY:

1. The Association shall pretest exam items at a psychometrically acceptable rate.
2. Pretest items are to be mixed in with the regular exam questions.
3. For paper and pencil testing, pretest items also are to be mixed in with regular questions.
4. Information about pretesting shall be published in the Candidate Handbook and on the Association website.

Adopted August 9, 1991. Confirmed by the Executive Committee April 1995. Revised by the Board of Directors 1998; confirmed April 2001; revised August 2009, August 2012.

2.6 TESTING ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

INTRODUCTION:

The Association is committed to providing all qualified candidates with an equal opportunity to successfully complete the examinations, while assuring the validity and security of the exams.

POLICY:

1. Uniformity of the provisions of accommodations to persons with disabilities, including the application of the provisions of applicable law related to individuals with disabilities in the United States and of human rights legislation in Canada, by the Association and by Member Boards is of primary importance.
2. The Association will cooperate with and aid Member Boards in complying with any and all applicable federal, state, provincial, and local legislation, including but not limited to applicable law related to individuals with disabilities in the United States and human rights legislation in Canada.
3. Through its test contractor, the Association will assure that accommodations such as extra time; special proctoring; separate rooms, if needed; readers or writers; or large-print versions of the examinations will be provided at no cost to Member Boards or candidates.
4. In consultation with the Member Board and the test contractor, other requests for accommodations that may arise under unique circumstances will be addressed on a case-by-case basis.
5. Member Boards and the Association will cooperate in making all necessary determinations of reasonable and appropriate accommodations, including those provided under applicable law related to individuals with disabilities in the United States and human rights legislation in Canada. No extraordinary accommodations shall be made by Member Boards without approval of the Association.
6. The Association must be assured by Member Boards of the qualification of a candidate requesting special accommodations. The candidate must substantiate in writing any disability that limits one or more of life's major activities (e.g., walking, seeing, hearing, breathing, etc.) The candidate must submit written verification of the disabling condition signed by an approved professional service provider who has expertise in the area of the disability and who has evaluated the candidate and is familiar with the candidate's condition. The professional service provider must have no other relationship with the candidate, such as a family, direct supervision or teacher-student connection. This written verification must include the following information:
 - Formal medical or mental health diagnosis made or confirmed within the previous three years
 - Date of onset
 - Limitations caused by the disabling condition
 - Circumstances under which accommodations were previously granted and dates of these occurrences
 - Requested accommodations in the testing situation

II. The Examinations

- If the accommodations requested were not provided before, the reason that the accommodations are being requested now

If the disability is related to a learning or psychiatric disorder, the candidate must also submit written verification of the accommodations provided through student disability services at the educational institutions attended.

In no circumstances shall a diagnosis of unspecified anxiety disorder (as listed in the current edition of the DSM or ICD) related to examination administrations be accepted as a valid reason for testing accommodations.

7. The Association must receive from the Member Board recommendations of accommodations that are deemed reasonable after qualification of the candidate and investigation of the disability. In consultation with the Member Board, the Association must be assured that such accommodations do not adversely affect the integrity, validity, and/or security of the examination. The Association reserves the right to reject the administration of an examination in a manner that, in the sole opinion of the Association, would jeopardize the integrity, validity, and/or security of the examination.
8. In the event that an accommodation is deemed by the Association to be inappropriate or not reasonable because of security or validity issues, and should the matter be contested by the candidate, the Association shall provide professional advice and legal consultation in support of the decision.
9. The examinations must be maintained and administered under secure conditions. Accommodations cannot breach security or alter the validity of the examination to test minimum competencies. Member Boards and the Association shall consult one another in determining reasonable accommodations.
10. Expenses related to accommodations provided to persons with disabilities, including those under applicable law related to individuals with disabilities in the United States and human rights legislation in Canada will be monitored by staff and made available to the Treasurer of the Association when necessary.
11. The Disability Accommodations Form shall be valid for one year from date of approval.

Confirmed by the Executive Committee April 1995. Revised by the Board of Directors 1998, April 2001, November 2001, October 2004, April 2012, August 2012, January 2016, January 2017.

2.7 CANDIDATES WITH VISION IMPAIRMENTS

INTRODUCTION:

The Association is committed to ensuring that accommodations provided for candidates with vision impairments, including readers, give candidates an equal opportunity to successfully complete the examinations, while assuring the validity and security of the exams.

POLICY:

- I. Candidates with visual impairments may choose from among the following accommodations available for the social work licensure examination administration:
 - A. Paper and pencil test booklet, either standard print (12 pt.) or enlarged print (18 or 24 pt.) font (CCTV or other enlargement technology approved to meet examination security requirements available for additional enlargement)
 - B. Braille version of the examination
 - C. Extra time, up to a total of eight hours (double the time allowed for the regular examination administration)
 - D. A private room
 - E. A qualified reader, audio recording, or currently approved and available technology provided by the Association or its testing contractor
 - F. A flexible starting time for the examination, if necessary, to allow for a pre-examination meeting between the candidate and the reader
- II. For candidates with vision impairments who choose readers, the following policies apply:
 - A. Readers must have the following qualifications:
 1. Hold at least a high-school diploma and be at least 18 years old
 2. Be able to read aloud test materials accurately and intelligibly for up to eight hours
 3. Have studied the written instructions that will be provided to readers (“ASWB Information for Readers and Signers”), and familiarized themselves with the terminology in the sample test questions before reading for the examination
 4. Be willing to meet with the candidate before the examination
 - B. To ensure a good working relationship between the candidate and the reader, the Association shall adhere to the following procedures:
 1. Upon request from the candidate, a pre-examination telephone conference and/or face-to-face meeting to allow for practice reading will be arranged.
 2. Specific written instructions for readers, including instructions regarding appropriate interaction with candidates and how to read the examination, will be provided.
 3. If after communication with the reader proposed by the Association or its testing contractor the candidate concludes that the reader will not be able to effectively communicate with him/her during the course of the examination, the candidate must notify the Association of the problems in order to reschedule his/her examination with another reader.
 4. Upon request from the candidate and when available, the Association may provide the candidate with a description of the assigned reader’s previous reading experience.

II. The Examinations

5. A meeting will be held with the candidate, the reader, and Test Center personnel prior to the examination to clarify the procedures, including the time parameters of the test administration. The Test Center personnel will clarify that the candidate is permitted to ask the reader to write notes, especially if the candidate has no tools or equipment for taking notes or is unable to do so.
- C. The following methods shall be used for monitoring and evaluating the experience:
1. A proctor shall monitor activities during the examination administration.
 2. The reader shall have an opportunity to evaluate the reading experience.
 3. To ensure the security of the ASWB examination, the reader must agree to follow procedures for secure test administration approved by the Association.

Accepted by the Board of Directors 2000; confirmed April 2001; revised August 2011, August 2012, January 2016, January 2017.

2.8 ENGLISH AS A SECOND LANGUAGE

INTRODUCTION:

The Association is committed to providing all qualified candidates with an equal opportunity to successfully complete the examinations, while assuring the validity and security of the examinations. The Association will assist its Member Boards in making arrangements for candidates for whom English is a second language.

POLICY:

1. Member Boards shall take reasonable measures necessary to determine and substantiate the necessity to provide arrangements to candidates for whom English is a second language (ESL). Once ESL status is substantiated, such candidate may choose to use up to two (2) dictionaries, one bilingual dictionary and/or one standard English dictionary, and/or be granted up to two (2) extra hours of time to complete the examination.
2. Such arrangements shall be granted solely at the discretion of Member Boards, in accordance with the laws and statutes of their individual jurisdictions.
3. Standard English and English/Spanish dictionaries are available at each of the test centers for use by approved candidates only. Where other bilingual dictionaries are approved, the sealed dictionary shall be sent from the Association to the candidate by a secure carrier before the exam. The exam administrator shall inspect the dictionary before and after the exam. After the examination, the exam administrator shall return the bilingual dictionary by a secure carrier in a self-addressed package provided by the Association. The costs of the dictionary are to be borne by the candidate, or if the board chooses, by the licensing board. It is customary for the Association to waive the payment.
4. All policies regarding arrangements for ESL candidates shall be included in candidate registration operations manuals.

Approved January 29, 1995; confirmed by the Executive Committee April 1995. Revised by the Board of Directors March 1996, September 1998, April 2001, October 2003, February 2006, November 2008, May 2011, August 2012, January 2016.

2.9 CANCELLATIONS

INTRODUCTION:

Cancellation policies are established in an effort to treat candidates for the examinations as fairly as possible while controlling administrative costs.

POLICY:

1. Examination fees are nonrefundable.
2. Candidates may cancel an examination reservation within timeframes specified in the ASWB Candidate Handbook and make a new reservation without paying additional fees.
3. The Association office will consider extenuating circumstances for certain cancellations not made within specified timelines. These excused absences include illness of the candidate or the candidate's immediate family member, death in the immediate family, disabling traffic accident, court appearance or jury duty, or military duty. Candidates must follow submission and documentation guidelines in the ASWB Candidate Handbook to request an excused absence. Candidates excused by the Association will be required to pay a rescheduling fee that is valid for registering for the exam up to one year after receiving approval of the excused absence. Candidates who do not register to take the exam within approved time frames must pay the full exam fee.
4. Examination appointments canceled by the testing vendor or test center due to severe weather, disasters, technical problems, or other emergencies shall be rescheduled at no cost to the candidate.
5. Candidates shall not be reimbursed for any expenses incurred due to examination cancellation.

**Reaffirmed April 12, 1991; revised Feb. 15, 1992; confirmed by the Executive Committee April 1995.
Revised by the Board of Directors September 1998, April 2001, August 2012, January 2016.**

2.10 EXAMINATION REVIEW

INTRODUCTION:

Because the integrity of the examination program is of the utmost importance, the Association does not permit review of the examination by any candidate. When compelled to provide such review through jurisdictional law, the Association shall allow review only under strict limitations that guard against risks to examination security.

POLICY:

1. If review of the examination is required under the law of the jurisdiction in which the candidate has applied for licensure, such review shall be subject to the following provisions:
 - a. Review is limited to unsuccessful candidates who have applied for licensure to the board in such jurisdiction.
 - b. Eligible candidates must specify content areas to be reviewed.
 - c. The Association must receive the request for review from eligible candidates no later than five days after the candidate's score report has been forwarded to the licensing jurisdiction from the Association.
 - d. Content areas subject to review may be limited by the Association, and candidate review may be limited to unsuccessfully answered items only.
 - e. Materials to be reviewed shall be transmitted via and maintained under secure means as determined by the Association including, but not limited to, possession of such materials at all times by ASWB personnel.
 - f. Review shall not occur less than 90 days before the first date on which the candidate is eligible to retest.
 - g. All expenses related to review shall be paid in advance by the requesting candidate.

Adopted 1992. Reaffirmed 1994; confirmed 1995; amended 1997; confirmed 2001; amended 2003. Amended August 2004, August 2008, January 2016.

2.11 EXAMINATION SECURITY

INTRODUCTION:

The examinations developed and maintained by ASWB are the Association's most important products, and crucial tools in the protection of the public. Because the Association, Member Boards, and consumers depend on valid, reliable social work licensure examinations, the Association must make every effort to ensure that the security of its examinations is not compromised.

POLICY:

1. Association office staff shall maintain a single, comprehensive examination security manual that shall include procedures, guidelines, and other information regarding examination security. The manual will be kept updated as needed by a staff member assigned that duty.
2. Information on examination security procedures shall be included in the ASWB Candidate Handbook.
3. A Security Measures and Response Plan shall be incorporated within the Comprehensive Examination Security Manual and shall also be kept updated.
4. Trainings shall be conducted for all staff on security procedures and confidentiality, in accordance with the security plan as contained in the overall manual.
5. Candidates taking the examination must agree before an exam is administered not to copy, memorize, or in any way share test material recalled from the experience.
6. Candidates must also sign a statement agreeing that all exam questions are the property of the Association and that the questions cannot be copied and/or conveyed or shared verbally, online, in written form, or in any other manner to anyone.
7. Such prohibitions on sharing information about exam questions shall be made available through the Candidate Handbook, on the website, and in other examination information.
8. Examination candidates suspected while at the testing center of having violated test security policies and procedures set in place by the Association will have a hold placed on their examination scores and the incident will be investigated by Association examination services management staff.
 - a. If the investigation determines that the alleged conduct does not constitute misconduct, the score hold will be removed and the examination scores will be released.
 - b. If the investigation determines that the alleged conduct does constitute misconduct, the candidate will be notified by letter sent via overnight delivery. The candidate shall have 30 days to provide a written response and may be required to complete a signed notarized affidavit to provide more detailed information or answer additional questions about the alleged conduct. The jurisdictional board may also be notified via letter that the candidate's score is on hold pending investigation of an irregularity report. The Association Board of

II. The Examinations

Directors in consultation with legal counsel will review the materials from the investigation and decide the outcome. The candidate and jurisdictional board will be notified in writing of the Board of Director's decision. There is no appeal to the decision of the Board of Directors. All those responsible for the misconduct may be referred for prosecution and/or civil action by the Association and its testing vendor.

9. Examination candidates and/or licensees suspected of violating the signed candidate agreement after exam administration shall be subject to investigation by the Association. The candidate/licensee will be notified of the investigation by letter sent via overnight delivery. The candidate/licensee shall have 30 days to reply in writing and may be required to complete a signed notarized affidavit to provide more detailed information or answer additional questions about the suspected violation. The jurisdictional board may be notified via letter of the investigation. The investigation materials will be presented to the Association Board of Directors for review. The Board of Directors in consultation with legal counsel will determine the outcome. The candidate/licensee and jurisdictional board will be notified by letter sent via overnight delivery. There will be no appeal to the decision of the Board of Directors. Those responsible for the violation may also be referred for prosecution and/or civil action by the Association.
10. Any individual or entity suspected of exposing examination items via the Internet or any other method shall be investigated. The course of action will be determined by the Association Board of Directors in consultation with legal counsel. Those responsible could face a range of administrative, civil, and criminal charges if the Board of Directors determines that exposure of items occurred.
11. The Association will work with its Member Boards to develop licensure candidate application procedures that allow for initial screening of candidates before they register for the examinations. The Association may do this by offering candidate preapproval services to its Member Boards, or through other forms of assistance.
12. To ensure the confidentiality of proprietary information, all supplier contracts shall include language that gives ASWB the right to request and/or conduct an independent security audit of the supplier if deemed necessary.
13. Employees of the test contractor and testing centers that administer ASWB examinations shall not take an ASWB examination for a year after they have concluded their employment with the center.
14. If a member of the immediate family of an employee of a testing center that administers the ASWB examinations is going to take the ASWB examination, alternate testing arrangements must be made to avoid any potential conflict of interest.

Approved by the Board of Directors April 1999. Revised April 2001, February 2003, October 2004, August 2009, August 2012, November 2012, May 2014, August 2014, January 2016, April 2016, January 2019.

2.12 SCORE TRANSFER

INTRODUCTION:

ASWB provides a uniform, standardized examination program to its Member Boards. This program is legally defensible based on the examination development process, which includes a practice analysis that at a minimum examines social work in all member jurisdictions, item development, pretesting, and ongoing psychometric analyses. The nature of the ASWB practice analysis and examination program reflects social work practice in the United States and Canada, based on accepted sampling standards.

Jurisdictions that use a jurisdiction-specific minimum competency examination as part of the criteria for determining licensure eligibility have concluded by direct implication that the ASWB practice analysis does not reflect social work practice in that jurisdiction.

POLICY:

1. The validity of the ASWB examination program and its legal defensibility are sustainable in all jurisdictions included in the most recent practice analysis.
2. The Association supports the score transfer of ASWB examination results to Member Boards.
3. Examination scores from jurisdictions using jurisdiction-specific examinations for the purposes of determining licensure eligibility shall not be recognized by the Association as a competency assessment mechanism equivalent to any of the ASWB examinations.
4. The Association cannot legally support the defensibility of examinations other than those administered by ASWB.

Adopted by the Board of Directors October 1999. Revised April 2001, October 2004, August 2009, August 2012, January 2016.

2.13 SHARING OF EXAMINATION DATA

INTRODUCTION:

Through its examination program, the Association collects information from exam candidates and compiles certain aggregate exam performance data related to a number of variables. Some information supplied by exam candidates is either optional or not verified for accuracy by ASWB due to accessibility constraints, privacy laws, and the inability to satisfactorily or reasonably provide substantiation. Based on these variables and the potential for misuse and misinterpretation of these exam performance data, ASWB reserves the right to disseminate aggregate exam performance data only under circumstances that provide the Association with a reasonable assurance that such data are statistically significant and are accurate. As a basis for or against disclosure, ASWB will consider factors including, but not limited to, first-time test-takers and numeric volumes that support statistical standards.

POLICY:

1. Upon request by a Member Board, ASWB may disseminate to the Member Board a compilation or aggregate pass-fail statistics report related to test-takers of that jurisdiction based on an annual calculation, subject to candidate volume restrictions that are statistically supported. These Member Board reports shall be developed based on reports supplied by the exam vendor. Such aggregate exam performance data reports shall be accompanied by the appropriate disclaimers regarding statistically significant numbers and limitations on use.
2. At the discretion of the ASWB Board of Directors and upon request by a Member Board, ASWB may disseminate to that requesting Member Board a compilation or aggregate pass-fail statistics report related to educational programs within that jurisdiction for test-takers based on an annual calculation, subject to candidate volume restrictions that are statistically supported. Such Member Board education reports shall be developed based on reports supplied by the exam vendor. Such reports shall be accompanied by the appropriate disclaimers regarding statistically significant numbers and limitations on use.
3. At the discretion of the ASWB Board of Directors and upon request by an accredited social work education program, ASWB may disseminate to that program a compilation or aggregate pass-fail statistics report related to that requesting program for test-takers based on an annual calculation, subject to candidate volume restrictions that are statistically supported. Such education program reports shall be developed based on reports supplied by the exam vendor. Such reports shall be accompanied by the appropriate disclaimers regarding statistically significant numbers and limitations on use.
4. Under any circumstances above, ASWB reserves the right to limit the dissemination of aggregate exam data based on factors related to legal issues, confidentiality, statistically insignificant data, or other reasons necessary to protect the integrity of the examination program or ASWB.

Approved by the Board of Directors June 8, 2006. Revised August 2011, August 2012, August 2017.

2.14 EXAMINATION PROGRAM MONITORING

INTRODUCTION:

To serve its membership and to fulfill its legal obligation and public protection mission, the Association must ensure that its examination program maintains high standards of validity and reliability. The Association continuously monitors the program and shall, from time to time, obtain program evaluations from sources not affiliated with the Association or its testing vendor.

POLICY:

1. To assess the examination experience, a survey shall be administered to all candidates at the end of the examination.
2. Responses to the survey shall be compiled and examined to identify any part of the test administration that candidates have indicated does not meet their needs and expectations.
3. The Association shall maintain close communication with Member Boards and Member Board staff to determine any concerns with test centers or administration procedures. When appropriate, a survey of all contracted users of the examinations will be conducted.
4. The exam contractor must provide quarterly reports on candidate performance.
5. The exam contractor must supply an annual technical report.
6. The exam contractor must provide item bank reports before every meeting of the ASWB Examination Committee.
7. The Association exam program will be continually evaluated by a third-party psychometric vendor and against testing industry standards.
8. A psychometrician shall be present at every ASWB Annual Meeting of the Delegate Assembly to report on the examinations and to respond to questions or concerns from Member Boards.
9. Every six to eight years, an independent security audit of the exam program shall be conducted.
10. Staff and leadership shall attend professional meetings on testing as required to keep in-house knowledge up to date.
11. The effectiveness of the item development program, including item writer training, item editing, item development consulting, and organization of the ASWB Examination Committee meetings shall be monitored regularly by staff and reported to the Board of Directors.

Approved by the Board of Directors November 10, 2006. Revised August 2009, August 2012, January 2016, January 2019.

2.15 STANDARDS AND CRITERIA FOR THE USE OF ASSISTIVE PERSONNEL IN ASWB EXAMINATIONS

INTRODUCTION:

ASWB is committed to ensuring access to its examination program for all eligible candidates. Under applicable laws, ASWB provides accommodations that vary in scope depending on the substantiated disability and other relevant factors. At times, through its examination vendor, ASWB may arrange for the presence of assistive personnel within the test center and within the examination room. The presence of such personnel will be based on the accommodations agreed upon between the candidate, the jurisdiction licensing board, and ASWB. The purpose of this document is to set forth the standards and criteria related to participation by assistive personnel. These standards and criteria are intended to be distributed to and adhered to by assistive personnel.

POLICY:

1. Terms and roles of assistive personnel defined
 - A. Assistive personnel are divided into three categories:
 1. Registration Assistive Personnel
 2. Content Assistive Personnel
 3. Personal Care Attendants
 - B. Registration Assistive Personnel and Content Assistive Personnel are individuals selected and employed by or under contract with the examination owner or the test administration vendor and who have agreed to abide by the standards and criteria contained herein.
 1. Without limitation, such Registration Assistive Personnel and Content Assistive Personnel may include readers, scribes, proctors, sign language interpreters, and personnel needed to operate specific computers or devices necessary to the delivery and scoring of the examination as approved by the examination owner.
 2. *Registration Assistive Personnel and Content Assistive Personnel are limited to only those persons arranged for or approved by ASWB or its examination vendor.*
 - C. Personal Care Attendants are individuals selected and employed by the test-taker whose activities are limited to assisting with a test-taker's mobility into and out of the test center and providing other personal care unrelated to the delivery and content of the examination.
 1. Personal Care Attendants are not allowed access to the examination carrel or to the examination room.
 2. *ASWB reserves the right to approve Personal Care Attendants if necessary to protect the integrity of the examination and the licensure process.*

II. The Examinations

2. Use of Registration Assistive Personnel related to access to and completion of the examination
 - A. Registration Assistive Personnel will be provided at the test center location when determined to be required under law and duly requested and arranged in advance.
 - B. Candidates will be allowed to engage with Registration Assistive Personnel in interactions that familiarize the candidate with the test center surroundings and examination administration, including:
 1. at check-in, including substantiation of identification of the candidate
 2. to review processes and procedures related to examination access, administration, and completion, obtaining the score report and completing exit surveys
 3. to review policies related to security, breaks, and allowed and disallowed materials within the test center
 4. when being oriented to the location of exit doors and restrooms
 5. when asking other general questions
 - C. Candidate interactions with Registration Assistive Personnel will be conducted in a manner that is not disruptive to the environment and others who are seeking access to and/or are taking their examinations.
 - D. *Registration Assistive Personnel are authorized to provide only information that ensures the candidate understands examination administration, inclusive of post-examination information and security concerns.*
3. Use of Content Assistive Personnel related to the delivery of examination content and recordation of responses.
 - A. Content Assistive Personnel will be provided at the test center location when determined to be required by law and duly requested and arranged in advance.
 - B. Candidates will be allowed to engage with the Content Assistive Personnel for purposes related to the delivery of examination content and recordation of responses. *No additional interaction between the candidate and Content Assistive Personnel is permitted.*
 - C. Content Assistive Personnel will provide a verbatim reading of the examination item/question and each potential answer and corresponding letter (for recordation into the computer, as appropriate).
 1. If requested by the candidate, items/questions and answer choices may be repeated.
 2. Items/questions may be flagged, returned to, and reread as necessary.
 - D. Content Assistive Personnel *will not* provide interpretive or editorial comments related to examination items/questions, content, definitions, or

II. The Examinations

answer choices. The intent is to engage in a verbatim communication of what is contained on the examination form.

- E. Content Assistive Personnel who provide examination content and response recordation in the form of American Sign Language (ASL) will adhere to verbatim interpretation of examination items and responses.
 - 1. Terms of art or other social work-specific words that cannot be interpreted into ASL will be communicated to the candidate through finger spelling.
- F. *The scope of the authority of Content Assistive Personnel is limited to a verbatim communication of examination content and recordation of responses.*

4. Confidentiality and nondisclosure statements

- A. All Registration Assistive Personnel and Content Assistive Personnel will be required to complete and agree to confidentiality and nondisclosure statements determined necessary by the examination owner and/or examination vendor.
- B. These statements may address not only the protection of examination-related administration and content, but also confidential information related to examination information protected by the vendor.

Approved by the Board of Directors August 5, 2017.



2019 BILL

1 **AN ACT** *to consolidate, renumber and amend* 440.88 (9) (intro.) and (b); *to*
2 *amend* 440.88 (9) (a), 448.13 (1) (a) 1., 455.065 (1) and 457.22 (1) (intro.); and
3 *to create* 457.22 (3) of the statutes; **relating to:** requiring continuing
4 education on suicide prevention for physicians, psychologists, social workers,
5 marriage and family therapists, professional counselors, and substance abuse
6 counselors and requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires two hours of continuing education on suicide prevention to be completed every two years for each of the following types of practitioners to renew their credentials: 1) physicians; 2) psychologists; 3) private practice school psychologists; 4) social workers; 5) advanced practice social workers; 6) independent social workers; 7) clinical social workers; 8) marriage and family therapists; 9) professional counselors; 10) substance abuse counselors; 11) clinical substance abuse counselors; and 12) prevention specialists. Under current law, each of those types of professionals must complete at least 30 hours of continuing education every two years to renew their credentials, except that psychologists and private practice school psychologists are required to complete 40 hours of continuing education every two years to renew their licenses.

BILL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 440.88 (9) (intro.) and (b) of the statutes are consolidated,
2 renumbered 440.88 (9) (bm) and amended to read:

3 440.88 **(9)** (bm) The department may ~~do all of the following:~~ ~~(b) Require~~ require
4 continuing education as part of any disciplinary process for an individual.

5 **SECTION 2.** 440.88 (9) (a) of the statutes is amended to read:

6 440.88 **(9)** (a) ~~Establish~~ The department shall establish the minimum number
7 of hours of continuing education required for renewal of certification under this
8 section and the topic areas that the continuing education must cover. The rules
9 promulgated under this paragraph shall require each substance abuse counselor,
10 clinical substance abuse counselor, and prevention specialist to complete at least 2
11 hours of continuing education programs or courses on suicide prevention to renew
12 a certification under this section.

13 **SECTION 3.** 448.13 (1) (a) 1. of the statutes is amended to read:

14 448.13 **(1)** (a) 1. Continuing education programs or courses of study approved
15 for at least 30 hours of credit by the board within the 2 calendar years preceding the
16 calendar year for which the registration is effective. The board shall promulgate
17 rules requiring a physician to complete at least 2 credit hours of continuing education
18 programs or courses approved by the board on suicide prevention.

19 **SECTION 4.** 455.065 (1) of the statutes is amended to read:

20 455.065 **(1)** Promulgate rules establishing the minimum number of hours of
21 continuing education, the topic areas that the continuing education must cover, the

BILL

1 criteria for the approval of continuing education programs and courses required for
2 renewal of a license and the criteria for the approval of the sponsors and cosponsors
3 of those continuing education programs and courses. The rules promulgated under
4 this subsection shall require each person licensed under s. 455.04 (1) or (4) to
5 complete at least 2 hours of continuing education programs or courses on suicide
6 prevention to renew the person's license. The rules promulgated under this
7 subsection may not count continuing education programs or courses on suicide
8 prevention more than continuing education programs or courses on any other topic.

9 **SECTION 5.** 457.22 (1) (intro.) of the statutes is amended to read:

10 457.22 (1) (intro.) The examining board ~~may~~ shall do ~~any~~ all of the following:

11 **SECTION 6.** 457.22 (3) of the statutes is created to read:

12 457.22 (3) The rules promulgated under sub. (1) shall require social workers,
13 advanced practice social workers, independent social workers, clinical social
14 workers, marriage and family therapists, and professional counselors to complete at
15 least 2 hours of continuing education programs or courses of study on suicide
16 prevention in order to qualify for renewal.

17 (END)



Wisconsin State Assembly

P.O. BOX 8952 MADISON, WI 53708

TO: SPEAKER ROBIN VOS

FROM: Representatives Joan Ballweg and Steve Doyle, Chair and Vice-Chair of the Assembly Speaker's Task Force on Suicide Prevention

RE: Interim Report of the Assembly Speaker's Task Force on Suicide Prevention

DATE: September 25, 2019

This report details the activities and the initial legislative recommendations of the Assembly Speaker's Task Force on Suicide Prevention.

INTRODUCTION

The task force was created by Assembly Speaker Robin Vos on March 6, 2019, to study and make recommendations on policy initiatives to reverse the trend of increasing rates of suicide. Specifically, Speaker Vos presented the task force with a number of goals, including the following:

- Evaluate Wisconsin's current resources and programs dedicated to suicide prevention and awareness, identify where needs are not being met, and identify where improvements can be made.
- Identify opportunities to target and assist especially at-risk individuals, such as farmers and youth.
- Explore ways to better harness the use of technology to reach and understand vulnerable populations.
- Increase awareness and incentivize the use of evidence-based programs and protocols.
- Investigate treatment and support services options and eliminate barriers that hinder individuals from receiving care.

The report contains a brief description of hearings held by the task force throughout the state, explains the recommended legislation that was drafted in response to the testimony and discussion at those hearings, and identifies topics that the task force may continue to explore as the legislative session proceeds. A list of task force members is attached as an appendix to the report.

TASK FORCE HEARINGS

The task force held six public hearings throughout the state for the purpose of receiving testimony and generating ideas to address suicide in Wisconsin. The hearings were held on the following dates and in the following locations.

April 24, 2019, Madison

The task force held a public hearing at the State Capitol at which it received testimony about existing state-based and national suicide prevention efforts and resources only from the following invited speakers:

- **Joanette Robertson**, Mental Health Section Chief, Division of Care and Treatment Services and **Aurielle Smith**, Violence, Injury Prevention, Systems Integration, Adolescent Health and Opioid Harm Prevention Supervisor, Division of Public Health – Department of Health Services (DHS).
- **Charlie Severance-Medaris**, Policy Associate, Health Program – National Conference of State Legislatures.
- **Barb Bigalke**, Executive Director – Center for Suicide Awareness.
- **Shel Gross**, former Director of Public Policy – Mental Health America.
- **Beverly Goldberg**, Advocacy Chairperson, AFSP Wisconsin Chapter and **Gena Orlando**, Board Chairperson, AFSP Wisconsin Chapter – American Foundation for Suicide Prevention.
- **Misty Vaughan Allen**, Suicide Prevention Coordinator – State of Nevada Office of Suicide Prevention.

May 20, 2019, La Crosse

The task force held a public hearing at the La Crosse County Administration Building, at which it received testimony from the public and from the following invited speakers about county and private mental health resources:

- **Donna Christianson** and **Emily McGonigle** – La Crosse County Human Services Department.
- **Lisa Myhre**, BSN, RN, **Emily Flannery**, BSN, RN, **Kayla Jones**, MSN, RN, Inpatient Behavioral Health – Gunderson Health System.
- **Tim Candahl**, Chief Medical Examiner – La Crosse County Medical Examiner.
- **Dr. Jon Lehrmann**, Charles E. Kubly Professor in Psychiatry and Behavioral Medicine – Medical College of Wisconsin.

June 17, 2019, Ripon

The task force first screened the documentary “Kids in Crisis: You’re Not Alone” and conducted a panel discussion with individuals from the documentary at Ripon College. The task force then held a public hearing at the same location, at which it received testimony from the public and from the following invited speakers that tended to focus on issues relating to youth mental health and suicide prevention:

- **Kate McCoy**, YRBS Coordinator/Research and Evaluation Consultant and **Gregg Curtis**, School Counseling Consultant – Department of Public Instruction.
- **Jackie Schoening**, Wisconsin Safe & Healthy Schools Training & Technical Assistance Center Coordinator – CESA 6 Safe & Healthy Schools & Communities Network.
- **Lanette Walker**, Youth Services Division Director – Ho-Chunk Nation Youth Services.
- **Oriana Eversole**, Research Analyst and Evaluator and **Alison Maresh**, Communications Specialist – Office of Children’s Mental Health.
- **Sandi Scott**, Dean of Students at the University of Wisconsin (UW)-Stout and **Tammy McGuckin**, Vice Provost for Student Affairs and Enrollment Services at UW-Parkside – UW System.

July 29, 2019, Marshfield

The task force received a brief introduction and tour of the National Farm Medicine Center at the Laird Center for Medical Research at Marshfield Clinic. The task force then held a public hearing at the same location, at which it received testimony from the public and from the following invited speakers that tended to focus on issues relating to farmers:

- **Casper Bendixsen**, Director – National Farm Medicine Center.
- **Angie Sullivan**, Farm Center Supervisor and **Frank Friar**, Economic Development Consultant – Department of Agriculture, Trade and Consumer Protection (DATCP).
- **John Shutske**, Professor and Extension Specialist – UW-Madison Division of Extension.

August 12, 2019, Eau Claire

The task force first screened the documentary “Saved from Suicide” and conducted a panel discussion at Chippewa Valley Technical College. The task force then held a public hearing at the same location, at which it received testimony from the public and from the following invited speakers that tended to focus on veterans, law enforcement officers, and other first responders:

- **Margo Keys**, PhD, Vice President of Student Services – Chippewa Valley Technical College.

- **Deputy Warden Paul Ninnemann**, Oakhill Correctional Institution, **Dr. Daniel Huneke**, Psychological Services Supervisor, New Lisbon Correctional Institution, and **Paulina de Haan**, Legislative Advisor, Office of the Secretary – Department of Corrections.
- **Dana Vike**, Certification and Training Supervisor, Division of Law Enforcement Services, Department of Justice.
- **Jackie Halverson**, **Matt Friese**, **Kami Ward**, **Stacy Komar**, and **Michael Dejarles** – Department of Military Affairs.
- **Colleen Rinken**, Director, Bureau of Health Services and **Karla Peterson**, Outreach Coordinator, Veterans Outreach and Recovery Program – Department of Veterans Affairs.

September 9, 2019, Wauwatosa

The task force received Question. Persuade. Refer. (QPR) training at the Medical College of Wisconsin. The task force then held a public hearing at the same location, at which it received testimony from the public and from the following invited speakers:

- **Dr. John Raymond**, President and CEO – Medical College of Wisconsin.
- **Dr. Barbara Moser** and **Leah Rolando** – Prevent Suicide Greater Milwaukee.
- **Dr. Stephen Hargarten**, Director, and **Sara Kohlbeck**, Assistant Director – Comprehensive Injury Center.

RECOMMENDED LEGISLATION

Based on information and recommendations received at the public hearings, Chairperson Ballweg and Vice-Chairperson Doyle propose to introduce the following initial package of bills.

LRB-3871/1: Suicide Prevention Program

Background

Suicide prevention efforts are currently made by a variety of local, state, and national public and private entities and organizations. The task force was presented with examples of how some states have attempted to coordinate such varied efforts in order to maximize their reach and impact, including via the creation of an office to coordinate statewide suicide prevention activities or the designation of a specific employee within a state agency to do such work.

The Bill Draft

LRB-3871/1 vests in DHS the general duty to implement a suicide prevention program that creates public awareness for issues relating to suicide prevention, builds community networks, and conducts suicide prevention program trainings for law enforcement personnel,

health care providers, school employees, and others who have contact with people who are at risk of suicide. The bill draft authorizes two full-time equivalent (FTE) positions at DHS, one of whom must be designated the Director of Suicide Prevention, and appropriates \$250,000 per fiscal year for the purpose of fulfilling the agency's suicide prevention responsibilities.

Specifically, the bill draft requires that DHS do the following:

- Coordinate suicide prevention activities with other state agencies.
- Provide suicide prevention educational activities to the general public.
- Provide training to people who routinely interact with people at risk of suicide, including training on recognizing a person who is at risk and referring such a person for appropriate treatment or support services.
- At the county level, develop and carry out public awareness and media campaigns targeting at-risk populations and coordinate the establishment of local advisory groups in each county to support the efforts of the DHS suicide prevention program.
- Enhance crisis services relating to suicide prevention.
- Link people trained in the assessment of and intervention in suicide with schools, public community centers, nursing homes, and other facilities serving people who are at risk of suicide.
- Work with various groups at the local, state, and national levels to identify and address the barriers that interfere with providing services to groups of people who are at risk of suicide.
- Develop and maintain a website with links to appropriate resource documents, suicide hotlines, credentialed professional personnel, state and local mental health agencies, and appropriate national organizations.
- Review current research on data collection for factors related to suicide and develop recommendations for improved systems of surveillance for suicide and uniform collection of data related to suicide.
- Develop and submit proposals for funding from federal government agencies and nongovernmental organizations.
- Administer grant programs involving suicide prevention.
- Submit an annual report to the Legislature that describes the suicide prevention activities in the state, including information received in the course of administering suicide prevention grant programs.

LRB-3872/1: Grants for Suicide Prevention Programming

Background

The task force heard testimony regarding the positive efforts made by local coalitions of organizations to address and reduce suicide in their communities. It was noted that local efforts tailored to the unique needs of a particular community can, in some circumstances, be more effective than implementation of standardized activities. Further, collaboration can maximize the impact of local suicide prevention activities while minimizing duplication of effort.

The Bill Draft

LRB-3872/1 biennially appropriates \$500,000 for distribution by DHS to organizations or coalitions of organizations, which may include a city, village, town, or county, for suicide prevention programming. DHS may award a grant of up to \$10,000 in a single fiscal year to an eligible organization or coalition that contributes at least 20% of the grant amount in matching funds or in-kind services.

LRB-4241/1: Grants for Preventing Suicide by Firearm

Background

The task force heard testimony regarding a variety of programs and techniques that are being implemented around the state to increase public awareness about and to reduce suicide. One model for working towards these goals is commonly called Gun Shop Project, under which firearm retailers receive training on how to recognize and avoid selling or renting firearms to people who may be considering suicide. Via such projects, firearm retailers also commonly agree to distribute suicide prevention materials in their places of business and offer voluntary storage of firearms in a safe, which can limit a person's access to a firearm during a time of crisis.

The Bill Draft

LRB-4241/1 biennially appropriates \$150,000, from which DHS must award grants to organizations or coalitions of organizations, which may include a city, village, town, or county, for any of the following purposes:

- To share guidelines and train staff at a firearm retailer or firearm range on how to avoid selling or renting a firearm to a person who may be considering suicide.
- To provide suicide prevention materials for distribution at a firearm retailer or firearm range.
- To provide voluntary firearm storage.

DHS may award a one-year grant of up to \$5,000 to an eligible organization or coalition that contributes at least 20% of the grant amount in matching funds or in-kind services. The grant may not be renewed, but the bill draft does not prohibit a recipient from applying for a

subsequent grant in the future. However, when awarding grants, DHS must give preference to organizations or coalitions that have not received a grant in the past.

LRB-4373/1: Grants to Support Peer-to-Peer Suicide Prevention Programs in High Schools

Background

The task force heard testimony regarding the effectiveness of peer-to-peer support programs, like Hope Squads and Sources of Strength, in schools. In general, such programs train students to recognize suicide warning signs in their peers and to report those signs to an adult. Such programs also commonly work to improve school culture and reduce stigmas about suicide and mental health so as to create an environment in which students and school staff develop positive, supportive relationships. However, programs require the initial purchase of proprietary materials and training and require a certain amount of funding for ongoing licensing costs.

The Bill Draft

LRB-4373/1 appropriates \$250,000 per fiscal year for distribution by the Department of Public Instruction (DPI) in the form of a competitive grant to public, private, and tribal schools that operate high school grades for the purpose of supporting peer-to-peer suicide prevention programs. Under the bill draft, a school board, independent charter school operator, private school governing body, or tribal school may apply for a grant of up to \$1,000 per school, to support the establishment or ongoing work of a peer-to-peer suicide prevention program in the high school grades. A grant to a particular school may be renewed up to three times, so that a school may receive up to four years of funding. In awarding the grants, DPI must give preference to an application that seeks to establish a new program over an application that seeks funding to support an already established program.

LRB-4361/1: Grants to the Wisconsin Safe and Healthy Schools Center

Background

DPI and the Wisconsin cooperative educational service agencies (CESAs) have collaborated to establish the Wisconsin Safe and Healthy Schools (WISH) Center, which provides various trainings and technical assistance to Wisconsin public schools. Trainings include prevention and intervention programs for alcohol, tobacco, and other drug abuse, mental health programs, and programs to promote school safety. The task force received testimony that the WISH Center could increase its impact with additional staff. Currently, the WISH Center is supported by the work of four regional coordinators and an executive director. Because the WISH Center is not itself a legal entity, DPI provides funding via grants and contracts awarded to the CESA that employs the executive director, which is currently CESA 4.

The Bill Draft

LRB-4361/1 requires that DPI annually award a grant to a CESA to support the work of the WISH Center, described in the bill as a collaborative project between DPI and CESAs with the purpose of building the capacity of school districts to implement prevention and intervention programs for alcohol, tobacco, and other drug abuse, mental health programs, and programs to support school safety. The CESA that receives the grant must first use funding to support the ongoing operations of the project and, to the extent funding is available, may then expand the services offered to school districts to include training and technical assistance related to general wellness.

The bill draft appropriates \$70,000 in fiscal year 2019-20, recognizing that much of the fiscal year will have passed by the time the bill draft is enacted, and appropriates \$200,000 in fiscal year 2020-21.

LRB-4178/1: Suicide Prevention Hotlines on Student Identification Cards

Background

The task force heard testimony regarding efforts being made in some school districts to print or otherwise include information regarding suicide prevention and crisis support hotlines on student identification cards as a means of making students more aware of such resources.

The Bill Draft

LRB-4178/1 provides that the following elementary, secondary, and post-secondary educational entities may be required to include certain suicide prevention information on student identification cards:

- UW System institutions and college campuses.
- Wisconsin Technical College System campuses.
- Any private post-secondary institution that awards associate degrees or higher.
- Public school boards.
- Independent charter school operators.
- Private school governing bodies.

If one of the entities described above issues student identification cards, then it **must** include on each card the telephone number for the National Suicide Prevention Lifeline, or another similar network if the National Suicide Prevention Lifeline ceases operations. Additionally, an entity described above **may** include any of the following information:

- A statement that the Crisis Text Line may be accessed by texting HOPELINE to 741741 or, if applicable, any successor method.

- Instructions for contacting a text-based national organization, other than the Crisis Text Line, that provides free support to individuals in a crisis 24 hours a day and seven days a week.
- The telephone number for a local suicide prevention hotline.

The bill draft provides that this requirement may be satisfied by printing the required information on an identification card or affixing a sticker to the card that contains the required information. If enacted, this requirement would take effect beginning July 1, 2020, and would first apply to identification cards issued on that date. However, a public school board, independent charter school operator, or private school governing body may choose to use up any existing supply of nonconforming identification cards before it must issue compliant identification cards.

LRB-4247/1: Farmer Tuition Assistance Grants

Background

Under prior law, the Legislature funded an appropriation that authorized DATCP to issue tuition assistance grants to low-income farmers who enrolled in a course on farm and business management techniques offered by a technical college. This appropriation was created in the 1997-98 legislative session, was funded through the 2001-02 legislative session, and was repealed in the 2007-08 legislative session.

The task force heard testimony regarding the significant stress that farmers endure relating to their businesses and a recommendation was made to recreate this appropriation in order to encourage farmers to enroll in the course. It was suggested that the course currently provides both practical tools and a network of peer support to help farmers succeed, which may, for some farmers, alleviate stress that may otherwise lead to more significant mental health issues, including suicidal ideation.

The Bill Draft

LRB-4247/1 recreates the former appropriation and biennially provides \$100,000 for farmer tuition assistance grants for low-income farmers who enroll in a course on farm and business management techniques offered by a technical college. Under the bill draft, DATCP may fund all or a portion of the course tuition for an eligible farmer.

LRB-4167/1: Interim Psychologist License

Background

The task force heard from a number of speakers that many parts of the state are suffering from a dearth of mental health professionals in the face of increased need for mental health services. It was suggested that alternative licensing requirements may help address the scarcity by opening up additional pathways for individuals to become qualified to provide mental health

services. As one example, offering an interim license to certain mental health professionals while they are obtaining the experience required for full licensure may encourage individuals to start practicing in Wisconsin earlier and remain here.

Under current law, in order to practice psychology, a person must first obtain a license from the Psychology Examining Board (“the board”), which requires that a person satisfy the following conditions:

- Be at least 18 years old.
- With limited exception, not have an arrest or conviction record.
- Hold a doctoral degree in psychology from an accredited college or university or have had academic training that the board deems equivalent.
- Have had at least one year of experience in psychological work under conditions satisfactory to the board, which includes completion of 2,000 hours of supervised experience within no more than 24 months.
- Pass required examinations.

The Bill Draft

Under LRB-4167/1, the board must issue an interim psychologist license to an individual who submits an application, pays the specified fee, and satisfies all of the requirements for a psychologist license, described above, except for the experience requirement. An individual with an interim psychologist license may provide psychological services, but must do so under the supervision of qualified supervisors, as determined by the board. An interim psychologist license is valid until the individual obtains a permanent license, up to a maximum of two years, and may not be renewed unless the board has promulgated rules allowing for renewal in cases of hardship.

LRB-4827/1: Continuing Education for Certain Health Professionals

Background

The task force heard testimony regarding the variety of professionals who interact with people who may be at risk of suicide. It was suggested that such professionals may be in a good position to recognize suicide warning signs and to either provide or refer the individuals to appropriate treatment or support services.

Under current law, physicians, psychologists, social workers, therapists, counselors, and prevention specialists are all credentialed professions that require ongoing continuing education for credential renewal.

The Bill Draft

LRB-4827/1 requires that the following professionals complete at least two hours of suicide prevention continuing education every two years in order to renew the applicable credential:

- Substance abuse counselors.
- Clinical substance abuse counselors.
- Prevention specialists.
- Physicians.
- Psychologists.
- Social workers.
- Advanced practice social workers.
- Independent social workers.
- Clinical social workers.
- Marriage and family therapists.
- Professional counselors.

RECOMMENDED LEGISLATIVE ACTION BY THE JOINT COMMITTEE ON FINANCE

Grant for a Text-Based or Application-Based Suicide Prevention Program

Background

Individuals who are in crisis may seek immediate assistance by texting the Crisis Text Line, which provides free access to a trained crisis counselor from anywhere within the United States 24 hours a day, seven days a week. In Wisconsin, this text-based service is called HOPELINE and is supported by the Center for Suicide Awareness, which pays a licensing fee to the Crisis Text Line. Via that partnership, the Center for Suicide Awareness is able to market the Crisis Text Line number, 741741, and to obtain a wide range of data and statistics regarding Wisconsin's use of the service. Currently, the state does not contribute funding to support this text-based service.

Recommendation

It is the recommendation of the task force that the Joint Committee on Finance approve a motion that requires DHS to award a grant to a nonprofit organization to support staff, training, and expenses related to operating a text-based or application-based suicide prevention program and that appropriates \$110,000 annually for that purpose. The task force also recommends that

receipt of the grant be conditioned on compliance with certain reporting requirements. Specifically, the grant recipient must annually submit a report to DHS describing the expenditures of the grant funds and containing aggregated data relating to the use of the text-based or application-based suicide prevention program that ensures the anonymity of individuals who contact the program, including data collected by the recipient and all data provided to the recipient by third-party organizations and by individuals who contact the program. In turn, DHS must then annually report to the Legislature about the suicide prevention activities in the state, including the information received from the grant recipient regarding the text-based or application-based suicide prevention program.

DEVELOPING RECOMMENDATIONS

The task force heard a number of recommendations that it has a continued interest in exploring. The following issues may be developed into legislative recommendations as the 2019-20 legislative session proceeds:

- Creating disclosure protections for law enforcement peer support services.
- Identifying school-based accommodations or best practices for working with students who have attempted suicide.
- Standardizing death reporting forms and creating suicide death review teams, which may require training in the practice of conducting psychological autopsies with the family and friends of an individual who died by suicide.
- Increasing services and supports for veterans.
- Embedding threat assessment units in law enforcement offices.
- Establishing a statewide suicide prevention call center to increase the capacity to handle Wisconsin-based calls to the National Suicide Prevention Lifeline in the state.

A final report with a complete package of legislative and ongoing recommendations will be published following the final scheduled floor period in 2020.

MEMBERS OF THE SPEAKER'S TASK FORCE ON SUICIDE PREVENTION

Representative Ballweg (Chair)

Representative Doyle (Vice-Chair)

Representative Schraa

Representative Tittl

Representative VanderMeer

Representative Stafsholt

Representative Duchow

Representative James

Representative Oldenburg

Representative Kurtz

Representative Sargent

Representative Kolste

Representative Anderson

Representative Brostoff

Representative B. Meyers