

**2001 DRAFTING REQUEST**

**Bill**

Received: **02/13/2001**

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Richard Grobschmidt (608) 266-7505**

By/Representing: **Dismas Becker**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact: **Dismas Becker**

Alt. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Regulation of social workers, marriage and family therapists, professional counselors, and art, music, and dance therapists

**Instructions:**

Prepare companion to 01-0746

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kunkemd 02/13/2001	csicilia 02/13/2001		_____			State
/1	kunkemd 02/19/2001	csicilia 02/19/2001	rschluet 02/13/2001	_____	lrb_docadmin 02/13/2001		State
/2	kunkemd 03/06/2001	jdyer 03/06/2001	jfrantze 02/19/2001	_____	lrb_docadmin 02/19/2001	lrb_docadminState 02/19/2001	
/3			martykr 03/06/2001	_____	lrb_docadmin 03/06/2001	lrb_docadmin 03/06/2001	

FE Sent For:

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FE Sent For:

*km 3/6*  
*PC km 3/6*

<END>

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May Contact: **Dismas Becker**

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Extra Copies:

**Pre Topic:**

*Jacket for  
Senate*

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/1		<i>1/2 cjs 2/19 01</i>	rschluet 02/13/2001		lrb_docadmin 02/13/2001		

FE Sent For:

*csicilia 2/19*  
*Self 2/19*

<END>

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By/Representing: **Dismas Becker**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact: **Dismas Becker**

Alt. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies:

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2492/1dn

MDK:.....

*ejs*

Senator Grobschmidt:

This bill, which was requested on your behalf by Dismas Becker, is identical to Representative Urban's LRB-0746/2.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.state.wi.us](mailto:mark.kunkel@legis.state.wi.us)

568N

D-NOTE

Editor  
- Companion  
bill - no change.

**2001 BILL**

- 2492/1

RM NOT  
RUN

1     **AN ACT to renumber 457.01 (1); to renumber and amend 15.405 (7c) (a), 457.08**  
2     **(4) (c), 457.10 (3), 457.12 (3) (a), 457.12 (3) (b), 457.14 and 457.22; to amend**  
3     **15.08 (1m) (b), 15.405 (7c) (c), 40.51 (8), 40.51 (8m), 60.23 (25), 66.0137 (4),**  
4     **120.13 (2) (g), 146.81 (1) (hg), 180.1901 (1m) (f), 185.981 (4t), 185.983 (1) (intro.),**  
5     **252.14 (1) (ar) 7., 440.03 (14) (b), 440.03 (14) (c), 440.03 (14) (d), 440.03 (14) (e),**  
6     **440.03 (14) (f), 450.10 (3) (a) 10., 457.01 (2), 457.01 (3), 457.01 (7), 457.01 (9),**  
7     **457.01 (10), 457.02 (1) to (5), 457.03 (1), (2) and (3), 457.04 (1) to (4), 457.04 (5),**  
8     **457.04 (6), 457.06 (intro.) and (1), 457.08 (title), 457.08 (4) (intro.), 457.08 (4)**  
9     **(d), 457.09 (2) (a), 457.09 (5) (a), 457.10 (intro.), 457.12 (intro.), 457.13 (2),**  
10    **457.15 (title), 457.15 (1) (intro.), 457.15 (1) (a), 457.15 (1) (b), 457.15 (1) (c),**  
11    **457.15 (1) (d), 457.15 (2), 457.15 (3), 457.16 (1), 457.16 (2), 457.16 (3), 457.20 (1)**  
12    **and (2), 457.20 (3) (c), 457.20 (4), 457.25, 457.26 (2) (intro.), (a) and (b), 457.26**  
13    **(2) (e), 457.26 (2) (g), 609.655 (3) (a), 632.87 (1), 905.04 (1) (bm), 905.04 (1) (dm)**  
14    **and 905.04 (1) (g); to repeal and recreate 15.405 (7c) (title), chapter 457 (title)**

**BILL**

1 and 457.01 (8m); and *to create* 15.405 (7c) (am) (intro.), 15.405 (7c) (am) 3.,  
2 111.91 (2) (pm), 440.01 (2) (cv), 440.08 (2) (a) 67x., 440.03 (14) (am), 457.01 (1c),  
3 457.01 (1n), 457.01 (1r), 457.01 (1w), 457.01 (2g), 457.01 (2r), 457.01 (8e),  
4 457.02 (6), 457.033, 457.035, 457.04 (7), 457.08 (4) (c) 1., 2., 3. and 4., 457.10 (3)  
5 (a), (b), (c) and (d), 457.11, 457.12 (3) (a) 1., 2., 3., and 4., 457.12 (3) (b) 1., 2., 3.,  
6 and 4., 457.14 (1) (b), (c), (d), (e) and (f), 457.22 (1) (b) and (c), 457.23, 457.24,  
7 457.26 (3), 609.71, 632.87 (6) and 632.89 (1) (e) 4. of the statutes; **relating to:**  
8 regulation of social workers, advanced practice social workers, independent  
9 social workers, clinical social workers, marriage and family therapists,  
10 professional counselors, and art, music, and dance therapists, insurance  
11 coverage for services provided by clinical social workers, marriage and family  
12 therapists, professional counselors, granting rule-making authority, and  
13 providing a penalty.

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***Analysis by the Legislative Reference Bureau***

This bill does the following: 1) makes changes to the regulation of social workers, marriage and family therapists, professional counselors, and art, music, and dance therapists; and 2) under certain circumstances, requires insurers and group health plans to cover services provided by clinical social workers, marriage and family therapists, and professional counselors.

***Regulation of social workers, marriage and family therapists, professional counselors and art, music, and dance therapists***

Under current law, the use of titles related to social work, marriage and family therapy, and professional counseling is restricted to persons who satisfy certain eligibility requirements and who are granted a certificate by the examining board of social workers, marriage and family therapists and professional counselors (examining board). The examining board consists of a social worker section, a marriage and family therapist section, and a professional counselor section. With respect to social work, the examining board grants certificates for the following titles: "social worker," "advanced practice social worker," "independent social worker," and "independent clinical social worker." The examining board is required to promulgate rules that specify the services that a person who is granted one of the social work certificates is qualified to perform. Current law does not prohibit a person who has

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not been granted a certificate from practicing social work, marriage and family therapy, or professional counseling.

This bill transforms the certification requirements under current law for independent clinical social workers, marriage and family therapists, and professional counselors into licensing requirements. The bill also changes the title "independent clinical social worker" to "clinical social worker." The bill also changes the name of the examining board to the marriage and family therapy, professional counseling, and social work examining board.

The bill prohibits, with certain exceptions, a person from practicing clinical social work, marriage and family therapy, or professional counseling unless he or she is licensed. The bill allows a person certified as an advanced practice or independent social worker to practice clinical social work, but only under the supervision of a clinical social worker licensed under the bill. In addition, the bill prohibits persons who are not licensed under the bill from practicing psychotherapy, except for the following: 1) persons certified as advanced practice and independent social workers who practice psychotherapy under the supervision of persons licensed under the bill; 2) persons who practice psychotherapy within the scope of practice of other state or federal licenses and; 3) mental health professionals employed by outpatient psychotherapy clinics certified by the department of health and family services (DHFS). The bill also allows the department of regulation and licensing (DORL) to promulgate rules that establish requirements that an art, music, or dance therapist must satisfy for a license to practice psychotherapy. Only an art, music, or dance therapist who is registered with DORL under current law may qualify for such a license. In addition, the requirements for such a license that are established in DORL's rules must be comparable to the requirements under the bill for a clinical social worker, marriage and family therapist, or professional counselor license.

The eligibility requirements for a license under the bill are the same as the requirements for a certificate under current law, except for the requirements under current law regarding supervised clinical experience. Under current law, an applicant for a clinical social worker or marriage or family therapist license must have two years of supervised clinical experience approved by the examining board. Under current law, an applicant for a professional counselor certificate who has a master's degree must also have two years of supervised clinical experience, but an applicant with a doctorate degree must have one year.

This bill requires 3,000 hours of supervised experience, not two years, for clinical social worker and marriage and family therapist license applicants and for professional counselor license applicants who have a master's degree. At least 1,000 of the 3,000 hours must consist of face-to-face client contact. The bill changes the one year required for professional counselor license applicants who have a doctorate degree to 1,000 hours, which must be satisfied during or after the doctorate degree program. In addition, for all license applicants, the bill requires that the experience must be supervised by one of the following: 1) a person who is approved by the appropriate section of the examining board or who satisfies requirements for supervision specified in rules promulgated by the examining board; a person with the

**BILL**

same license who has a doctorate degree; 3) a person with same license who has five years experience; or 4) a psychiatrist or psychologist.

Under current law, no social worker, marriage and family therapist, or professional counselor certificate is required for a person to use any of the following titles: “pastoral counselor,” “investment counselor,” “vocational counselor,” “career counselor,” “alcohol and drug counselor,” or “chemical dependency counselor.” This bill does not require a person to be certified or licensed to use such a title or to engage in such counseling or to use the title “employee assistance counselor” or to engage in such counseling. Under current law, no certificate is required for a person who has been granted a school social worker or school counselor license by the department of public instruction to use the title “school social worker” or “school counselor.” This bill does not require such a person to be certified or licensed to use such a title. The bill’s licensing requirements also do not apply to a person who is: 1) lawfully practicing within the scope of a license, permit, registration, or certification granted by this state or the federal government; or 2) licensed to practice clinical social work, marriage and family therapy, or professional counseling in another state or territory of the United States and who provides a consultation or demonstration with a person who has been granted a license.

The bill also makes other changes to the regulation of social work, marriage and family therapy, and professional counseling, including the following:

1. The bill requires a licensed clinical social worker, marriage and family therapist, or professional counselor who treats an individual and determines that the individual requires additional treatment that is outside the licensee’s scope of practice to refer the individual to a health care practitioner who is authorized to provide the additional treatment. Alternatively, the licensee may consult with such a health care practitioner. If the licensee does not refer or consult, the licensee may not continue to treat the individual.

2. The bill requires the examining board to jointly promulgate rules with the psychology examining board that specify the different levels of psychometric testing that may be performed by persons who are certified as social workers, independent social workers, or advanced practice social workers or who are licensed under the bill. The rules must be consistent with the guidelines of the American Psychological Association or other nationally recognized guidelines.

3. The bill creates a marriage and family therapist training certificate.

4. The bill allows the holder of a social worker training certificate to take the examination required for a regular certificate before or after satisfying the education and training requirements required for a regular certificate. Under current law, such a person must take the examination after satisfying the education and training requirements.

5. The bill allows the examining board to issue temporary certificates and licenses to advanced practice, independent, and clinical social workers, marriage and family therapists, and professional counselors who have not yet taken the examination required for certification or licensure. Under current law, the examining board is allowed to issue temporary certificates only to social workers, marriage and family therapists, and professional counselors.

**BILL**

6. The bill requires a person certified or licensed in another jurisdiction who applies for a reciprocal certificate or license to take an examination on state law relating to practice under the type of certificate or license applied for.

7. The bill allows an applicant for a marriage and family therapist or professional counselor license to take the examination required for licensure before he or she satisfies the supervised clinical experience required for licensure. Under current law, the examination may be taken only after satisfying the supervised clinical experience requirements.

8. The bill allows the appropriate section of the examining board, in making investigations of or taking disciplinary action against a certificate or license holder, to appoint an advisory panel of persons holding the same certificate or license.

9. The bill requires a licensed clinical social worker, marriage and family therapist, or professional counselor to have in effect professional liability insurance in an amount established by rule by the examining board.

***Insurer and group health plan requirements***

Current law prohibits an insurer from refusing to provide or pay for health care services provided by a licensed health care professional on the ground that the services were not provided by a physician, unless the insurance policy clearly excludes coverage of services provided by the health care professional. In addition, current law prohibits an insurer from excluding coverage of the services of certain specified health care professionals, such as chiropractors and dentists, if the insurance policy covers those same services, or services for the treatment of the same condition, when provided by a physician or another health care provider. The bill prohibits an insurer from excluding coverage of psychotherapy services provided by a licensed clinical social worker, marriage and family therapist, or professional counselor, within the scope of his or her license, if the insurance policy, plan, or contract covers psychotherapy services provided by another health care provider.

Also under current law, a group health plan that provides coverage of any outpatient treatment is required to provide coverage for an insured under the plan of at least \$2,000, minus any applicable cost sharing, of outpatient services for the treatment of nervous or mental disorders or alcoholism or other drug abuse problems. Outpatient services are defined as nonresidential services that are provided to an insured: 1) in an outpatient treatment facility or a physician's office by a licensed physician who has completed a residency in psychiatry; 2) by a licensed psychologist who is listed in the National Register of Health Service Providers in Psychology or who is certified by the American Board of Professional Psychology; or 3) by a program in an outpatient treatment facility approved by DHFS. The bill adds that outpatient services are also nonresidential services that are provided to an insured by a licensed clinical social worker, marriage and family therapist, or professional counselor, thus requiring a group health plan to include nonresidential treatment of nervous or mental disorders or alcoholism or other drug abuse problems by a licensed clinical social worker, marriage and family therapist, or professional counselor within the \$2,000 minimum amount of coverage that the plan must provide for outpatient services for the treatment of those conditions.

**BILL**

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

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

1           **SECTION 1.** 15.08 (1m) (b) of the statutes is amended to read:

2           15.08 (1m) (b) The public members of the chiropractic examining board, the  
3 dentistry examining board, the hearing and speech examining board, the medical  
4 examining board, respiratory care practitioners examining council, and council on  
5 physician assistants, the board of nursing, the nursing home administrator  
6 examining board, the veterinary examining board, the optometry examining board,  
7 the pharmacy examining board, the marriage and family therapy, professional  
8 counseling, and social work examining board ~~of social workers, marriage and family~~  
9 ~~therapists and professional counselors~~, and the psychology examining board shall  
10 not be engaged in any profession or occupation concerned with the delivery of  
11 physical or mental health care.

12           **SECTION 2.** 15.405 (7c) (title) of the statutes is repealed and recreated to read:

13           15.405 (7c) (title) MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND  
14 SOCIAL WORK EXAMINING BOARD.

15           **SECTION 3.** 15.405 (7c) (a) of the statutes is renumbered 15.405 (7c) (a) (intro.)  
16 and amended to read:

17           15.405 (7c) (a) (intro.) There is created an a marriage and family therapy,  
18 professional counseling, and social work examining board ~~of social workers,~~  
19 ~~marriage and family therapists and professional counselors~~ in the department of  
20 regulation and licensing. ~~The consisting of the following~~ members of the examining  
21 board shall be appointed for 4-year terms. ~~Four:~~

**BILL**

1           1. Four social worker members shall be who are certified or licensed under ch.  
2 457 as social workers. ~~Three members shall be certified under ch. 457 as~~

3           2. Three marriage and family therapists. Three therapist members shall be  
4 ~~certified under ch. 457 as~~ who are licensed under ch. 457.

5           3. Three professional counselors. Three members shall be counselor members  
6 who are licensed under ch. 457.

7           4. Three public members. Of the 4 certified social worker members, one shall  
8 be who represent groups that promote the interests of consumers of services provided  
9 by persons who are certified or licensed under ch. 457.

10           (am) 1. One member who is certified under ch. 457 as an advanced practice  
11 social worker, one shall be.

12           2. One member who is certified under ch. 457 as an independent social worker,  
13 ~~one shall be certified under ch. 457 as an independent clinical social worker and at~~

14           4. At least one shall be member who is employed as a social worker by a federal,  
15 state or local governmental agency.

16           **SECTION 4.** 15.405 (7c) (am) (intro.) of the statutes is created to read:

17           15.405 (7c) (am) (intro.) The 4 members appointed under par. (a) 1. shall  
18 consist of the following:

19           **SECTION 5.** 15.405 (7c) (am) 3. of the statutes is created to read:

20           15.405 (7c) (am) 3. One member who is licensed under ch. 457 as a clinical  
21 social worker.

22           **SECTION 6.** 15.405 (7c) (c) of the statutes is amended to read:

23           15.405 (7c) (c) All matters pertaining to granting, denying, limiting,  
24 suspending, or revoking a certificate or license under ch. 457, and all other matters  
25 of interest to either the social worker, marriage and family therapist, or professional

**BILL****SECTION 6**

1 counselor section shall be acted upon solely by the interested section of the  
2 examining board.

3 **SECTION 7.** 40.51 (8) of the statutes is amended to read:

4 40.51 (8) Every health care coverage plan offered by the state under sub. (6)  
5 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8)  
6 and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to  
7 ~~(5)~~ (6), 632.895 (5m) and (8) to (14), and 632.896.

8 **SECTION 8.** 40.51 (8m) of the statutes is amended to read:

9 40.51 (8m) Every health care coverage plan offered by the group insurance  
10 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,  
11 632.748, 632.83, 632.835, 632.85, 632.87 (6), 632.853, 632.855, and 632.895 (11) to  
12 (14).

13 **SECTION 9.** 60.23 (25) of the statutes is amended to read:

14 60.23 (25) SELF-INSURED HEALTH PLANS. Provide health care benefits to its  
15 officers and employees on a self-insured basis if the self-insured plan complies with  
16 ss. 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85,  
17 632.853, 632.855, 632.87 (4) ~~and~~, (5), and (6), 632.895 (9) and (11) to (14), and  
18 632.896.

19 **SECTION 10.** 66.0137 (4) of the statutes is amended to read:

20 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or  
21 a village provides health care benefits under its home rule power, or if a town  
22 provides health care benefits, to its officers and employees on a self-insured basis,  
23 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),  
24 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) ~~and~~,  
25 (5), and (6), 632.895 (9) to (14), 632.896, and 767.25 (4m) (d).

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1           **SECTION 11.** 111.91 (2) (pm) of the statutes is created to read:

2           111.91 (2) (pm) The requirements related to coverage of psychotherapy services  
3 under s. 632.87 (6).

4           **SECTION 12.** 120.13 (2) (g) of the statutes is amended to read:

5           120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
6 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),  
7 632.85, 632.853, 632.855, 632.87 (4) ~~and~~, (5), and (6), 632.895 (9) to (14), 632.896, and  
8 767.25 (4m) (d).

9           **SECTION 13.** 146.81 (1) (hg) of the statutes is amended to read:

10           146.81 (1) (hg) A social worker, marriage and family therapist, or professional  
11 counselor certified or licensed under ch. 457.

12           **SECTION 14.** 180.1901 (1m) (f) of the statutes is amended to read:

13           180.1901 (1m) (f) ~~Examining Marriage and family therapy, professional~~  
14 ~~counseling, and social work examining board of social workers, marriage and family~~  
15 ~~therapists and professional counselors~~ under ch. 457.

16           **SECTION 15.** 185.981 (4t) of the statutes is amended to read:

17           185.981 (4t) A sickness care plan operated by a cooperative association is  
18 subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85,  
19 632.853, 632.855, 632.87 (2m), (3), (4) ~~and~~, (5), and (6), 632.895 (10) to (14), and  
20 632.897 (10) and chs. 149 and 155.

21           **SECTION 16.** 185.983 (1) (intro.) of the statutes is amended to read:

22           185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be  
23 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,  
24 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,  
25 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,

**BILL**

1 632.855, 632.87 (2m), (3), (4) ~~and~~, (5), and (6), 632.895 (5) and (9) to (14), 632.896, and  
2 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association  
3 shall:

4 **SECTION 17.** 252.14 (1) (ar) 7. of the statutes is amended to read:

5 252.14 (1) (ar) 7. A social worker, marriage and family therapist, or  
6 professional counselor certified or licensed under ch. 457.

7 **SECTION 18.** 440.01 (2) (cv) of the statutes is created to read:

8 440.01 (2) (cv) “Psychotherapy” has the meaning given in s. 457.01 (8m).

9 **SECTION 19.** 440.03 (14) (am) of the statutes is created to read:

10 440.03 (14) (am) The department may promulgate rules that establish  
11 requirements for granting a license to practice psychotherapy to a person who is  
12 registered under par. (a). Rules promulgated under this paragraph shall establish  
13 requirements for obtaining such a license that are comparable to the requirements  
14 for obtaining a clinical social worker, marriage and family therapist, or professional  
15 counselor license under ch. 457. If the department promulgates rules under this  
16 paragraph, the department shall grant a license under this paragraph to a person  
17 registered under par. (a) who pays the fee specified in s. 440.05 (1) and provides  
18 evidence satisfactory to the department that he or she satisfies the requirements  
19 established in the rules.

20 **SECTION 20.** 440.03 (14) (b) of the statutes is amended to read:

21 440.03 (14) (b) A person who is registered under par. (a) shall notify the  
22 department in writing within 30 days if an organization specified in par. (a) 1. a., 2.  
23 a. or 3. a. revokes the person’s certification, registration, or accreditation specified  
24 in par. (a) 1. a., 2. a., or 3. a. The department shall revoke a certificate of registration  
25 granted under par. (a) if such an organization revokes such a certification,

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1 registration, or accreditation. If the department revokes the certificate of  
2 registration of a person who also holds a license granted under the rules promulgated  
3 under par. (am), the department shall also revoke the license.

4 **SECTION 21.** 440.03 (14) (c) of the statutes is amended to read:

5 440.03 (14) (c) The renewal dates for certificates granted under par. (a) and  
6 licenses granted under par. (am) are specified in s. 440.08 (2) (a). Renewal  
7 applications shall be submitted to the department on a form provided by the  
8 department and shall include the renewal fee specified in s. 440.08 (2) (a) and  
9 evidence satisfactory to the department that the person's certification, registration,  
10 or accreditation specified in par. (a) 1. a., 2. a. or 3. a. has not been revoked.

11 **SECTION 22.** 440.03 (14) (d) of the statutes is amended to read:

12 440.03 (14) (d) The department shall promulgate rules that specify the services  
13 within the scope of practice of music, art, or dance therapy that a person who is  
14 registered under par. (a) is qualified to perform. The rules may not allow a person  
15 registered under par. (a) to perform psychotherapy unless the person is granted a  
16 license under the rules promulgated under par. (am).

17 **SECTION 23.** 440.03 (14) (e) of the statutes is amended to read:

18 440.03 (14) (e) Subject to the rules promulgated under sub. (1), the department  
19 may make investigations and conduct hearings to determine whether a violation of  
20 this subsection or any rule promulgated under par. (d) has occurred and may  
21 reprimand a person who is registered under par. (a) or holds a license granted under  
22 the rules promulgated under par. (am) or may deny, limit, suspend, or revoke a  
23 certificate of registration granted under par. (a) or a license granted under the rules  
24 promulgated under par. (am) if ~~it~~ the department finds that the applicant or

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1 certificate or license holder has violated this subsection or any rule promulgated  
2 under par. (d).

3 **SECTION 24.** 440.03 (14) (f) of the statutes is amended to read:

4 440.03 (14) (f) A person who is registered under par. (a) or holds a license  
5 granted under the rules promulgated under par. (am) who violates this subsection  
6 or any rule promulgated under par. (d) may be fined not more than \$200 or  
7 imprisoned for not more than 6 months or both.

8 **SECTION 25.** 440.08 (2) (a) 67x. of the statutes is created to read:

9 440.08 (2) (a) 67x. Registered music, art, or dance therapist with  
10 psychotherapy license: October 1 of each odd-numbered year; \$56.

11 **SECTION 26.** 450.10 (3) (a) 10. of the statutes is amended to read:

12 450.10 (3) (a) 10. A social worker, marriage and family therapist, or  
13 professional counselor certified or licensed under ch. 457.

14 **SECTION 27.** Chapter 457 (title) of the statutes is repealed and recreated to  
15 read:

**CHAPTER 457****MARRIAGE AND FAMILY THERAPY,****PROFESSIONAL COUNSELING,****AND SOCIAL WORK EXAMINING BOARD**

20 **SECTION 28.** 457.01 (1) of the statutes is renumbered 457.01 (1g).

21 **SECTION 29.** 457.01 (1c) of the statutes is created to read:

22 457.01 (1c) “Advanced practice social worker” means an individual who holds  
23 an advanced practice social worker certificate granted by the social worker section.

24 **SECTION 30.** 457.01 (1n) of the statutes is created to read:

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1           457.01 (1n) “Clinical social work” means providing services without  
2 supervision for the diagnosis, treatment, and prevention of mental and emotional  
3 disorders in individuals, families, and groups, to restore, maintain, and enhance  
4 social functioning through treatment interventions that include psychosocial  
5 evaluation, counseling of individuals, families, or groups, referral to community  
6 resources, advocacy, facilitation of organizational change to meet social needs, and  
7 individual, marital, or group psychotherapy.

8           **SECTION 31.** 457.01 (1r) of the statutes is created to read:

9           457.01 (1r) “Clinical social worker” means an individual who holds a license  
10 to practice clinical social work granted by the social worker section.

11           **SECTION 32.** 457.01 (1w) of the statutes is created to read:

12           457.01 (1w) “Credential” means a license or certificate granted under this  
13 chapter.

14           **SECTION 33.** 457.01 (2) of the statutes is amended to read:

15           457.01 (2) “Examining board” means the marriage and family therapy,  
16 professional counseling, and social work examining board ~~of social workers,~~  
17 ~~marriage and family therapists and professional counselors.~~

18           **SECTION 34.** 457.01 (2g) of the statutes is created to read:

19           457.01 (2g) “Independent social worker” means an individual who holds an  
20 independent social worker certificate granted by the social worker section.

21           **SECTION 35.** 457.01 (2r) of the statutes is created to read:

22           457.01 (2r) “Licensee” means a person who is licensed under this chapter.

23           **SECTION 36.** 457.01 (3) of the statutes is amended to read:

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1           457.01 (3) “Marriage and family therapist” means an individual who ~~practices~~  
2 holds a license to practice marriage and family therapy granted by the marriage and  
3 family therapist section.

4           **SECTION 37.** 457.01 (7) of the statutes is amended to read:

5           457.01 (7) “Professional counselor” means an individual who ~~practices~~ holds  
6 a license to practice professional counseling granted by the professional counselor  
7 section.

8           **SECTION 38.** 457.01 (8e) of the statutes is created to read:

9           457.01 (8e) “Psychiatrist” means a physician licensed under subch. II of ch. 448  
10 who specializes in psychiatry.

11           **SECTION 39.** 457.01 (8m) of the statutes is repealed and recreated to read:

12           457.01 (8m) “Psychotherapy” means the diagnosis and treatment of mental,  
13 emotional, or behavioral disorders, conditions, or addictions through the application  
14 of methods derived from established psychological or systematic principles for the  
15 purpose of assisting people in modifying their behaviors, cognitions, emotions, and  
16 other personal characteristics, which may include the purpose of understanding  
17 unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

18           **SECTION 40.** 457.01 (9) of the statutes is amended to read:

19           457.01 (9) “Social work” means applying psychosocial, ~~psychotherapeutic~~ or  
20 counseling principles, methods, or procedures in the assessment, evaluation, or  
21 psychosocial or ~~psychotherapeutic~~ diagnosis, prevention, treatment, or resolution of  
22 a difficulty in the social, psychological, personal, emotional, or mental disorder  
23 functioning of an individual, couple, family, group of individuals, or community,  
24 including the enhancement or restoration of, or the creation of societal conditions  
25 favorable to the enhancement or restoration of, the capacity of an individual, couple,

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1 family, group of individuals, or community for social functioning or the delivery of  
2 services to a group of individuals or a community to assist the group or community  
3 in providing or improving the provision of social or health services to others.

4 **SECTION 41.** 457.01 (10) of the statutes is amended to read:

5 457.01 (10) “Social worker” means an individual who ~~practices~~ holds a social  
6 work worker certificate granted by the social worker section.

7 **SECTION 42.** 457.02 (1) to (5) of the statutes are amended to read:

8 457.02 (1) Require any individual to be certified or licensed under this chapter  
9 in order to use the title “pastoral counselor”, “investment counselor”, “vocational  
10 counselor”, “career counselor”, “alcohol and drug counselor” ~~or~~, “chemical  
11 dependency counselor”, or “employee assistance counselor”, or to engage in such  
12 counseling, if the individual does not use any other title or designation that  
13 represents or may tend to represent that he or she is certified or licensed under this  
14 chapter, and does not represent himself or herself as an individual who engages in  
15 social work, advanced practice social work, independent social work, clinical social  
16 work, marriage and family therapy, or professional counseling.

17 (2) Require any individual who is licensed as a school social worker or school  
18 counselor by the department of public instruction to be certified ~~as a social worker~~  
19 ~~or professional counselor~~ or licensed under this chapter in order to use the title  
20 “school social worker” or “school counselor”.

21 (3) Require a person who is licensed as a psychologist under ch. 455 or who is  
22 a psychiatrist, ~~as defined in s. 146.34 (1) (h), to be certified as a marriage and family~~  
23 ~~therapist or professional counselor~~ licensed under this chapter in order to use the  
24 title “marriage and family therapist”, “marriage and family counselor”, or  
25 “professional counselor” if the psychologist or psychiatrist does not use the term

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1 “licensed”, “certified”, or “registered” or any similar term in connection with the title  
2 “marriage and family therapist”, “marriage and family counselor”, or “professional  
3 counselor”.

4 (4) Authorize any individual who is certified ~~as a social worker or professional~~  
5 ~~counselor or licensed~~ under this chapter to use the title “school social worker” or  
6 “school counselor” unless the individual is licensed as a school social worker or school  
7 counselor by the department of public instruction.

8 (5) Authorize any individual who is certified or licensed under this chapter to  
9 use the title “alcohol and drug counselor” or “chemical dependency counselor” unless  
10 the individual is certified as an alcohol and drug counselor or as a chemical  
11 dependency counselor through a process recognized by the department of health and  
12 family services.

13 **SECTION 43.** 457.02 (6) of the statutes is created to read:

14 457.02 (6) Require a credential for a person to do any of the following:

15 (a) Lawfully practice within the scope of a license, permit, registration, or  
16 certificate granted by this state or the federal government, including practicing  
17 psychotherapy under such a license, permit, registration, or certificate.

18 (b) Practice psychotherapy, if the person satisfies one of the following:

19 1. The person is registered as music, art, or dance therapist under s. 440.03 (14)  
20 (a) and the person holds a valid license granted by the department under s. 440.03  
21 (14) (am).

22 2. The person is a mental health professional who meets all of the qualifications  
23 under s. HFS 61.96, Wis. Adm. Code, for employment as a mental health professional  
24 in an outpatient psychotherapy clinic certified by the department of health and  
25 family services under s. HFS 61.95, Wis. Adm. Code, if the person’s practice of

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1 psychotherapy is a part of the duties for which he or she is employed by such a clinic  
2 and the person practices psychotherapy solely within the confines of or under the  
3 jurisdiction of the clinic.

4 (c) Provide a consultation or demonstration with an individual licensed under  
5 this chapter if the person providing the consultation or demonstration is licensed to  
6 practice marriage and family therapy, professional counseling, or clinical social work  
7 in another state or territory of the United States.

8 **SECTION 44.** 457.03 (1), (2) and (3) of the statutes are amended to read:

9 457.03 (1) Upon the advice of the social worker section, marriage and family  
10 therapist section, and professional counselor section, promulgate rules establishing  
11 minimum standards for educational programs that must be completed for  
12 certification or licensure under this chapter and for supervised clinical training that  
13 must be completed for certification ~~as an independent~~ licensure as a clinical social  
14 worker, marriage and family therapist, or professional counselor under this chapter  
15 and approve educational programs and supervised clinical training programs in  
16 accordance with those standards.

17 (2) Upon the advice of the social worker section, marriage and family therapist  
18 section, and professional counselor section, promulgate rules establishing a code of  
19 ethics to govern the professional conduct of certificate holders. The rules shall  
20 specify the services included within the practice of social work, advanced practice  
21 social work, or independent social work that an individual who is certified under this  
22 chapter as a social worker, advanced practice social worker, or independent social  
23 worker ~~or independent clinical social worker is qualified to~~ may perform and the  
24 degree of supervision, if any, required to perform those services. ~~The rules may not~~  
25 ~~permit a certificate holder to engage in psychotherapy unless the individual is~~

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1 ~~certified under this chapter as an advanced practice social worker, independent~~  
2 ~~social worker, independent clinical social worker, marriage and family therapist or~~  
3 ~~professional counselor and has engaged in the equivalent of at least 2 years of~~  
4 ~~full-time supervised social work, marriage and family therapy or professional~~  
5 ~~counseling clinical practice after receiving the master's or doctorate degree required~~  
6 ~~under s. 457.08 (3) (b) or (4) (b), 457.10 (2) or 457.12 (2).~~

7 (3) Upon the advice of the social worker section, promulgate rules establishing  
8 levels of advanced social work practice for individuals with master's or doctoral  
9 degrees in social work, in addition to the levels of practice for which certificates are  
10 granted under s. 457.08 (2) to (4) and (3), and establishing appropriate educational,  
11 training, experience, examination, and continuing education requirements for  
12 certification and renewal of a certificate at each level of practice established in rules  
13 promulgated under this subsection.

14 **SECTION 45.** 457.033 of the statutes is created to read:

15 **457.033 Psychometric testing.** The examining board marriage and family  
16 therapy, professional counseling, and social work and the psychology examining  
17 board shall jointly promulgate rules that specify the different levels of psychometric  
18 testing that an individual who is certified or licensed under this chapter is qualified  
19 to perform. Such rules shall be consistent with the guidelines of the American  
20 Psychological Association, or other nationally recognized guidelines, for performing  
21 psychometric testing. A certificate holder or licensee may not engage in  
22 psychometric testing except as provided under the rules promulgated under this  
23 section.

24 **SECTION 46.** 457.035 of the statutes is created to read:

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1           **457.035 Psychotherapy rules.** The examining board may not promulgate  
2 rules under s. 457.03 that permit an individual to engage in psychotherapy unless  
3 one of the following applies:

4           (1) The individual is licensed under this chapter as a clinical social worker,  
5 marriage and family therapist, or professional counselor.

6           (2) The individual is certified as an advanced practice or independent social  
7 worker and the individual engages in psychotherapy only under the supervision of  
8 a clinical social worker who is licensed under this chapter.

9           **SECTION 47.** 457.04 (1) to (4) of the statutes are amended to read:

10           457.04 (1) Use Designate himself or herself as a social worker or use or assume  
11 the title “social worker” or any other title or designation that represents or may tend  
12 to represent the person as a social worker unless the person is certified as a social  
13 worker under this chapter.

14           (2) Use Designate himself or herself as an advanced practice social worker or  
15 use or assume the title “advanced practice social worker” or any other title or  
16 designation that represents or may tend to represent the person as an advanced  
17 practice social worker unless the person is certified as an advanced practice social  
18 worker, ~~independent social worker or independent clinical social worker~~ under this  
19 chapter.

20           (3) Use Designate himself or herself as an independent social worker or use or  
21 assume the title “independent social worker” or any other title or designation that  
22 represents or may tend to represent the person as an independent social worker  
23 unless the person is certified as an independent social worker ~~or independent clinical~~  
24 ~~social worker~~ under this chapter.

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1           (4) Use Practice clinical social work or designate himself or herself as a clinical  
2 social worker or use or assume the title “independent clinical social worker” or  
3 “clinical social worker” or any other title or designation that represents or may tend  
4 to represent the person as a clinical social worker unless the person is certified  
5 licensed as an independent a clinical social worker under this chapter or unless the  
6 person is certified under this chapter as an advanced practice social worker or  
7 independent social worker and the person practices clinical social work under the  
8 supervision of a person who is licensed as a clinical social worker under this chapter.

9           **SECTION 48.** 457.04 (5) of the statutes is amended to read:

10           457.04 (5) Use Practice marriage and family therapy or designate himself or  
11 herself as a marriage and family therapist or use or assume the title “marriage and  
12 family therapist”, “marriage and family counselor”, or any similar other title or  
13 designation that represents or may tend to represent the person as a marriage and  
14 family therapist unless any of the following applies:

15           (a) The person is ~~certified~~ licensed as a marriage and family therapist under  
16 this chapter.

17           (b) The person is ~~certified~~ licensed as ~~an independent a clinical social worker~~  
18 under this chapter and initially became certified as an independent clinical social  
19 worker under ~~this chapter~~ ch. 457, 1999 stats., on or before May 31, 1995.

20           **SECTION 49.** 457.04 (6) of the statutes is amended to read:

21           457.04 (6) Use Practice professional counseling or designate himself or herself  
22 as a professional counselor or use or assume the title “professional counselor”,  
23 “professional rehabilitation counselor”, “vocational rehabilitation counselor” or,  
24 “rehabilitation counselor”, or any similar other title or designation that represents

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1 or may tend to represent the person as a professional counselor unless the person is  
2 certified licensed as a professional counselor under this chapter.

3 **SECTION 50.** 457.04 (7) of the statutes is created to read:

4 457.04 (7) Practice psychotherapy unless the person is licensed under this  
5 chapter or unless the person is a certificate holder who may practice psychotherapy  
6 under the rules promulgated under ss. 457.03 and 457.035.

7 **SECTION 51.** 457.06 (intro.) and (1) of the statutes are amended to read:

8 **457.06 General requirements for certification or licensure.** (intro.) The  
9 social worker section, marriage and family therapist section, or professional  
10 counselor section may not grant any certificate or license under this chapter unless  
11 the applicant does all of the following:

12 (1) Submits an application for the certificate or license to the department on  
13 a form provided by the department.

14 **SECTION 52.** 457.08 (title) of the statutes is amended to read:

15 **457.08 (title) Social worker ~~certificate and advanced practice~~**  
16 **certificates and licenses.**

17 **SECTION 53.** 457.08 (4) (intro.) of the statutes is amended to read:

18 457.08 (4) ~~INDEPENDENT CLINICAL~~ CLINICAL SOCIAL WORKER CERTIFICATE LICENSE.  
19 (intro.) The social worker section shall grant ~~an independent~~ a clinical social worker  
20 ~~certificate~~ license to any individual who is certified under sub. (1) and does all of the  
21 following:

22 **SECTION 54.** 457.08 (4) (c) of the statutes is renumbered 457.08 (4) (c) (intro.)  
23 and amended to read:

24 457.08 (4) (c) (intro.) Submits evidence satisfactory to the social worker section  
25 that after receiving a master's or doctorate degree in social work he or she has

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1 engaged in the equivalent of at least ~~2 years of full-time supervised~~ 3,000 hours of  
2 clinical social work practice approved by the social worker section, including at least  
3 1,000 hours of face-to-face client contact, supervised by one of the following:

4 **SECTION 55.** 457.08 (4) (c) 1., 2., 3. and 4. of the statutes are created to read:

5 457.08 (4) (c) 1. An individual who is approved by the social worker section or  
6 satisfies requirements for supervision that are specified in rules promulgated by the  
7 examining board upon the advice of the social worker section.

8 2. An individual licensed as a clinical social worker who has received a  
9 doctorate degree in social work.

10 3. An individual licensed as a clinical social worker who has engaged in the  
11 equivalent of 5 years of full-time clinical social work.

12 4. A psychiatrist or a psychologist licensed under ch. 455.

13 **SECTION 56.** 457.08 (4) (d) of the statutes is amended to read:

14 457.08 (4) (d) Passes an examination approved by the social worker section to  
15 determine minimum competence to practice as ~~an independent~~ a clinical social  
16 worker ~~as specified in the rules promulgated under s. 457.03 (2) or passes an~~  
17 ~~advanced clinical social work examination approved by the social worker section.~~

18 **SECTION 57.** 457.09 (2) (a) of the statutes is amended to read:

19 457.09 (2) (a) ~~-A-~~ Notwithstanding s. 457.04 (1), a social worker training  
20 certificate authorizes the holder to use the title specified in s. 457.04 (1) during the  
21 period in which the certificate is valid.

22 **SECTION 58.** 457.09 (5) (a) of the statutes is amended to read:

23 457.09 (5) (a) A social worker training certificate holder may take the national  
24 social work examination at any time before or after he or she completes the  
25 requirements under sub. (4).

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1           **SECTION 59.** 457.10 (intro.) of the statutes is amended to read:

2           **457.10 Marriage and family therapist ~~certificate~~ license.** (intro.) The  
3 marriage and family therapist section shall grant a marriage and family therapist  
4 ~~certificate~~ license to any individual who does all of the following:

5           **SECTION 60.** 457.10 (3) of the statutes is renumbered 457.10 (3) (intro.) and  
6 amended to read:

7           **457.10 (3)** (intro.) Submits evidence satisfactory to the marriage and family  
8 therapist section that after receiving a master's or doctorate degree required under  
9 sub. (2) he or she has engaged in the equivalent of at least ~~2 years of full-time~~  
10 supervised 3,000 hours of clinical marriage and family therapy practice approved by  
11 the marriage and family therapist section, including at least 1,000 hours of  
12 face-to-face client contact, supervised by one of the following:

13           **SECTION 61.** 457.10 (3) (a), (b), (c) and (d) of the statutes are created to read:

14           **457.10 (3) (a)** An individual who is approved by the marriage and family  
15 therapist section or satisfies requirements for supervision that are specified in rules  
16 promulgated by the examining board upon the advice of the marriage and family  
17 therapist section.

18           (b) An individual licensed as a marriage and family therapist who has received  
19 a doctorate degree in marriage and family therapy.

20           (c) An individual licensed as a marriage and family therapist who has engaged  
21 in the equivalent of 5 years of full-time marriage and family therapy practice.

22           (d) A psychiatrist or a psychologist licensed under ch. 455.

23           **SECTION 62.** 457.11 of the statutes is created to read:

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1           **457.11 Marriage and family therapist training certificate.** (1) The  
2 marriage and family therapist section shall grant a marriage and family therapist  
3 training certificate to any individual who does all of the following:

4           (a) Submits an application for the certificate to the department on a form  
5 provided by the department.

6           (b) Pays the fee specified in s. 440.05 (6).

7           (c) Satisfies the requirements in s. 457.10 (2).

8           (d) Submits evidence satisfactory to the marriage and family therapist section  
9 that he or she is employed full-time, or has an offer of full-time employment, as a  
10 marriage and family therapist in a supervised marriage and family therapist  
11 practice or in a position in which the applicant will, in the opinion of the marriage  
12 and family therapist section, receive training and supervision equivalent to the  
13 training and supervision received in a full-time supervised marriage and family  
14 therapist practice.

15           (2) A marriage and family therapist training certificate is valid for 24 months  
16 or until the date on which the holder of the certificate ceases to be employed in a  
17 position specified in sub. (1) (d), whichever occurs first, and may not be renewed by  
18 the marriage and family therapist section. A marriage and family therapist training  
19 certificate authorizes the holder to use any title specified in s. 457.04 (5) and to  
20 practice marriage and family therapy within the scope of his or her training or  
21 supervision during the period in which the certificate is valid.

22           **SECTION 63.** 457.12 (intro.) of the statutes is amended to read:

23           **457.12 Professional counselor ~~certificate~~ license.** (intro.) The  
24 professional counselor section shall grant a professional counselor ~~certificate~~ license  
25 to any individual who does all of the following:

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1           **SECTION 64.** 457.12 (3) (a) of the statutes is renumbered 457.12 (3) (a) (intro.)  
2 and amended to read:

3           457.12 (3) (a) (intro.) After receiving a master's degree in professional  
4 counseling or its equivalent, engaged in the equivalent of at least ~~2 years of full-time~~  
5 supervised 3,000 hours of clinical professional counseling practice approved by the  
6 professional counselor section, including at least 1,000 hours of face-to-face client  
7 contact, supervised by one of the following:

8           **SECTION 65.** 457.12 (3) (a) 1., 2., 3. and 4. of the statutes are created to read:

9           457.12 (3) (a) 1. An individual who is approved by the professional counselor  
10 section or satisfies requirements for supervision that are specified in rules  
11 promulgated by the examining board upon the advice of the professional counselor  
12 section.

13           2. An individual licensed as a professional counselor who has received a  
14 doctorate degree in professional counseling.

15           3. An individual licensed as a professional counselor who has engaged in the  
16 equivalent of 5 years of full-time professional counseling practice.

17           4. A psychiatrist or a psychologist licensed under ch. 455.

18           **SECTION 66.** 457.12 (3) (b) of the statutes is renumbered 457.12 (3) (b) (intro.)  
19 and amended to read:

20           457.12 (3) (b) (intro.) ~~After receiving~~ Received a doctorate degree in  
21 professional counseling or its equivalent, and, either during or after the doctorate  
22 degree program or its equivalent, engaged in the equivalent of at least ~~one year~~  
23 \$1,000 hours of full-time supervised clinical professional counseling practice  
24 ~~approved by the professional counselor section.~~ supervised by one of the following:

25           **SECTION 67.** 457.12 (3) (b) 1., 2., 3. and 4. of the statutes are created to read:

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1           457.12 (3) (b) 1. An individual who is approved by the professional counselor  
2 section or satisfies requirements for supervision that are specified in rules  
3 promulgated by the examining board upon the advice of the professional counselor  
4 section.

5           2. An individual licensed as a professional counselor who has received a  
6 doctorate degree in professional counseling.

7           3. An individual licensed as a professional counselor who has engaged in the  
8 equivalent of 5 years of full-time clinical professional counseling practice.

9           4. A psychiatrist or a psychologist licensed under ch. 455.

10          **SECTION 68.** 457.13 (2) of the statutes is amended to read:

11          457.13 (2) A professional counselor training certificate is valid for 24 months  
12 or until the date on which the holder of the certificate ceases to be employed in a  
13 position specified in sub. (1) (d), whichever occurs first, and may not be renewed by  
14 the professional counselor section. ~~A Notwithstanding s. 457.04 (6), a professional~~  
15 ~~counselor training certificate authorizes the holder to use any title specified in s.~~  
16 ~~457.04 (6) and to practice professional counseling within the scope of his or her~~  
17 ~~training or supervision during the period in which the certificate is valid.~~

18          **SECTION 69.** 457.14 of the statutes is renumbered 457.14 (1) (intro.) and  
19 amended to read:

20          457.14 **Temporary certificates.** (1) (intro.) Upon application and payment  
21 of the fee specified in s. 440.05 (6), the appropriate section of the examining board  
22 may grant a temporary social worker, advanced practice social worker, independent  
23 social worker, clinical social worker, marriage and family therapist, or professional  
24 counselor certificate or license to any individual who satisfies does one of the  
25 following:

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1           (a) Satisfies the requirements under s. 457.08 (1) (a) and (b), ~~457.10 (1) to (3)~~  
2           or ~~457.12 (1) to (3)~~ and has submitted an application to take the next available  
3           examination for certification under s. 457.08 (1) (c), ~~457.10 (4) or 457.12 (4)~~.

4           (2) A temporary certificate granted under ~~this section~~ sub. (1) is valid for a  
5           period designated by the appropriate section of the examining board, not to exceed  
6           9 months, and may be renewed once by that section of the examining board.

7           **SECTION 70.** 457.14 (1) (b), (c), (d), (e) and (f) of the statutes are created to read:

8           457.14 (1) (b) Satisfies the requirements under s. 457.08 (2) (a) and (b) and has  
9           submitted an application to take the next available examination for certification  
10          under s. 457.08 (2) (c).

11          (c) Satisfies the requirements under s. 457.08 (3) (a) to (c) and has submitted  
12          an application to take the next available examination for certification under s.  
13          457.08 (3) (d).

14          (d) Satisfies the requirements under s. 457.08 (4) (a) to (c) and has submitted  
15          an application to take the next available examination for licensure under s. 457.08  
16          (4) (d).

17          (e) Satisfies the requirements under s. 457.10 (1) to (3) and has submitted an  
18          application to take the next available examination for licensure under s. 457.10 (4).

19          (f) Satisfies the requirements under s. 457.12 (1) to (3) and has submitted an  
20          application to take the next available examination for licensure under s. 457.12 (4).

21          **SECTION 71.** 457.15 (title) of the statutes is amended to read:

22          **457.15 (title) Reciprocal certificates and licenses.**

23          **SECTION 72.** 457.15 (1) (intro.) of the statutes is amended to read:

24          457.15 (1) (intro.) Upon application and payment of the fee specified in s.  
25          440.05 (2), the social worker section ~~shall~~ may do all of the following:

**BILL**

1           **SECTION 73.** 457.15 (1) (a) of the statutes is amended to read:

2           457.15 (1) (a) Grant a social worker certificate to any individual who holds a  
3 similar certificate in another state or territory of the United States and who passes  
4 an examination approved by the social worker section that tests knowledge of state  
5 law relating to social work, if the social worker section determines that the  
6 requirements for obtaining the certificate in the other state or territory are  
7 substantially equivalent to the requirements under s. 457.08 (1).

8           **SECTION 74.** 457.15 (1) (b) of the statutes is amended to read:

9           457.15 (1) (b) Grant an advanced practice social worker certificate to any  
10 individual who ~~is certified under par. (a) or under s. 457.08 (1) and who~~ holds a  
11 similar certificate in another state or territory of the United States and who passes  
12 an examination approved by the social worker section that tests knowledge of state  
13 law relating to advanced practice social work, if the social worker section determines  
14 that the requirements for obtaining the certificate in the other state or territory are  
15 substantially equivalent to the requirements under s. 457.08 (2).

16           **SECTION 75.** 457.15 (1) (c) of the statutes is amended to read:

17           457.15 (1) (c) Grant an independent social worker certificate to any individual  
18 who ~~is certified under par. (a) or under s. 457.08 (1) and who~~ holds a similar  
19 certificate in another state or territory of the United States and who passes an  
20 examination approved by the social worker section that tests knowledge of state law  
21 relating to independent social work, if the social worker section determines that the  
22 requirements for obtaining the certificate in the other state or territory are  
23 substantially equivalent to the requirements under s. 457.08 (3).

24           **SECTION 76.** 457.15 (1) (d) of the statutes is amended to read:

**BILL**

1           457.15 (1) (d) Grant ~~an independent a~~ clinical social worker certificate license  
2 to any individual who is ~~certified under par. (a) or under s. 457.08 (1) and who holds~~  
3 a similar certificate or license in another state or territory of the United States and  
4 who passes an examination approved by the social worker section that tests  
5 knowledge of state law relating to clinical social work, if the social worker section  
6 determines that the requirements for obtaining the certificate or license in the other  
7 state or territory are substantially equivalent to the requirements under s. 457.08  
8 (4).

9           **SECTION 77.** 457.15 (2) of the statutes is amended to read:

10           457.15 (2) Upon application and payment of the fee specified in s. 440.05 (2),  
11 the marriage and family therapist section shall may grant a marriage and family  
12 therapist ~~certificate~~ license to any individual who holds a similar certificate or  
13 license in another state or territory of the United States and who passes an  
14 examination approved by the marriage and family therapist section that tests  
15 knowledge of state law relating to marriage and family therapy, if the marriage and  
16 family therapist section determines that the requirements for obtaining the  
17 certificate or license in the other state or territory are substantially equivalent to the  
18 requirements under s. 457.10.

19           **SECTION 78.** 457.15 (3) of the statutes is amended to read:

20           457.15 (3) Upon application and payment of the fee specified in s. 440.05 (2),  
21 the professional counselor section shall may grant a professional counselor  
22 ~~certificate~~ license to any individual who holds a similar certificate or license in  
23 another state or territory of the United States and who passes an examination  
24 approved by the professional counselor section that tests knowledge of state law  
25 relating to professional counseling, if the professional counselor section determines

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1 that the requirements for obtaining the certificate or license in the other state or  
2 territory are substantially equivalent to the requirements under s. 457.12.

3 **SECTION 79.** 457.16 (1) of the statutes is amended to read:

4 457.16 (1) The appropriate section of the examining board shall arrange for  
5 examinations for social worker, advanced practice social worker, independent social  
6 worker, ~~independent~~ clinical social worker, marriage and family therapist, and  
7 professional counselor certification and licensure to be conducted at least  
8 semiannually and at times and places determined by that section of the examining  
9 board, and shall provide public notice of each examination at least 90 days before the  
10 date of the examination.

11 **SECTION 80.** 457.16 (2) of the statutes is amended to read:

12 457.16 (2) Examinations shall consist of written or oral tests, or both, requiring  
13 applicants to demonstrate minimum competency in subjects substantially related to  
14 the practice of social work, advanced practice social work, independent social work,  
15 clinical social work, marriage and family therapy, or professional counseling, as  
16 appropriate.

17 **SECTION 81.** 457.16 (3) of the statutes is amended to read:

18 457.16 (3) An individual is not eligible for examination unless he or she  
19 satisfies the requirements for certification or licensure under s. 457.08 (1) (a) and (b),  
20 (2) (intro.), (a) and (b), (3) (intro.) and (a) to (c) or (4) (intro.) and (a) to (c), 457.10 (1)  
21 ~~to (3) and (2),~~ or 457.12 (1) ~~to (3) and (2)~~ and, at least 30 days before the date of the  
22 examination, submits an application for examination to the department on a form  
23 provided by the department and pays the fee specified in s. 440.05 (1).

24 **SECTION 82.** 457.20 (1) and (2) of the statutes are amended to read:

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1           457.20 (1) The department shall issue a certificate of certification or licensure  
2 to each individual who is certified or licensed under this chapter.

3           (2) The renewal dates for certificates and licenses granted under this chapter,  
4 other than ~~certificates granted under ss. 457.13 and 457.14~~ training certificates or  
5 temporary certificates or licenses, are specified under s. 440.08 (2) (a).

6           **SECTION 83.** 457.20 (3) (c) of the statutes is amended to read:

7           457.20 (3) (c) If the application is for renewal of a professional counselor  
8 certificate license that was originally granted as a professional counselor certificate  
9 under 1991 Wisconsin Act 160, section 21 (2) (g), evidence satisfactory to the  
10 professional counselor section that the applicant continues to be employed by a  
11 federal, state, or local governmental agency as a professional counselor, professional  
12 rehabilitation counselor, vocational rehabilitation counselor, or rehabilitation  
13 counselor.

14           **SECTION 84.** 457.20 (4) of the statutes is amended to read:

15           457.20 (4) Renewal of an advanced practice social worker, independent social  
16 worker, or ~~independent clinical social worker certificate~~ or license automatically  
17 renews the individual's social worker certificate without payment of the renewal fee  
18 for the social worker certificate or completion of the continuing education  
19 requirements that would otherwise be required for renewal of a social worker  
20 certificate.

21           **SECTION 85.** 457.22 of the statutes is renumbered 457.22 (1) (intro.) and  
22 amended to read:

23           457.22 (1) (intro.) The examining board may promulgate do any of the  
24 following:

## BILL

## SECTION 85

1           (a) Upon the advice of the social worker section, promulgate rules establishing  
2 requirements and procedures for ~~certificate holders~~ social workers, advanced  
3 practice social workers, independent social workers, and clinical social workers to  
4 complete continuing education programs or courses of study in order to qualify for  
5 renewal.

6           (2) The rules promulgated under sub. (1) may not require an individual to  
7 complete more than 30 hours of continuing education programs or courses of study  
8 in order to qualify for renewal. The appropriate section of the examining board may  
9 waive all or part of the requirements established in rules promulgated under this  
10 section if it determines that prolonged illness, disability, or other exceptional  
11 circumstances have prevented the individual from completing the requirements.

12           **SECTION 86.** 457.22 (1) (b) and (c) of the statutes are created to read:

13           457.22 (1) (b) Upon the advice of the marriage and family therapist section,  
14 promulgate rules establishing requirements and procedures for marriage and family  
15 therapists to complete continuing education programs or courses of study in order  
16 to qualify for renewal.

17           (c) Upon the advice of the professional counselor section, promulgate rules  
18 establishing requirements and procedures for professional counselors to complete  
19 continuing education programs or courses of study in order to qualify for renewal.

20           **SECTION 87.** 457.23 of the statutes is created to read:

21           **457.23 Duty to consult or refer.** A clinical social worker, marriage and  
22 family therapist, or professional counselor who treats an individual and who  
23 determines that the individual requires additional treatment that is outside the  
24 scope of practice of clinical social work, marriage and family therapy, or professional  
25 counseling, may continue to treat the individual only if the clinical social worker,

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1 marriage and family therapist, or professional counselor consults with, or refers the  
2 individual to, a health care practitioner who is authorized to provide the additional  
3 treatment.

4 **SECTION 88.** 457.24 of the statutes is created to read:

5 **457.24 Professional liability insurance.** A person licensed as a clinical  
6 social worker, marriage and family therapist, or professional counselor under this  
7 chapter may not practice clinical social work, marriage and family therapy, or  
8 professional counseling unless he or she has in effect professional liability insurance.  
9 The examining board shall promulgate rules establishing the minimum amount of  
10 insurance required under this section.

11 **SECTION 89.** 457.25 of the statutes is amended to read:

12 **457.25 Reporting requirements.** (1) Any public or private mental health  
13 or health care agency, institution or facility, or any other person or entity that  
14 employs or contracts for services with a ~~certificate~~ credential holder, that terminates,  
15 suspends, or restricts the employment or contract of the ~~certificate~~ credential holder  
16 as a result of adverse or disciplinary action against the ~~certificate~~ credential holder  
17 relating to his or her practice of social work, advanced practice social work,  
18 independent social work, clinical social work, marriage and family therapy, or  
19 professional counseling shall submit a written report of the action to the appropriate  
20 section of the examining board within 30 days after the date on which the action is  
21 taken or, if grounds for such an action exist and the ~~certificate~~ credential holder  
22 terminates his or her employment before the action is taken, within 30 days after the  
23 date on which the ~~certificate~~ credential holder terminates his or her employment.

24 (2) Any state or local professional society or organization of social workers,  
25 marriage and family therapists, or professional counselors that terminates, revokes,

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1 or suspends the membership of a ~~certificate~~ credential holder, or takes any other  
2 adverse or disciplinary action against a ~~certificate~~ credential holder relating to his  
3 or her practice of social work, advanced practice social work, independent social  
4 work, clinical social work, marriage and family therapy, or professional counseling,  
5 shall submit a written report of the action to the appropriate section of the examining  
6 board within 30 days after the date on which the action is taken or, if grounds for such  
7 an action exist and the ~~certificate~~ credential holder terminates his or her  
8 membership before the action is taken, within 30 days after the date on which the  
9 ~~certificate~~ credential holder terminates his or her membership.

10 (3) Any insurer, as defined in s. 600.03 (27), who provides professional liability  
11 insurance coverage for a ~~certificate~~ credential holder and who pays a claim for  
12 damages arising out of the rendering of services by the ~~certificate~~ credential holder  
13 or obtains any information that tends to substantiate a charge that the ~~certificate~~  
14 credential holder has engaged in conduct that constitutes grounds for discipline  
15 under s. 457.26 shall submit a written report of the payment or information to the  
16 appropriate section of the examining board within 30 days after the date on which  
17 the payment is made or information is obtained.

18 (4) Any circuit court that appoints a guardian of the person or estate of a  
19 ~~certificate~~ credential holder or makes a judgment or other determination that a  
20 ~~certificate~~ credential holder is mentally ill or mentally incompetent or that a  
21 ~~certificate~~ credential holder has done any of the acts enumerated in s. 457.26 (2) shall  
22 submit a written report of the appointment, judgment, or determination to the  
23 appropriate section of the examining board within 30 days after the date on which  
24 the appointment, judgment, or determination is made.

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1           (5) (a) Within 30 days after receipt of a report under sub. (1), (2), (3), or (4), the  
2 appropriate section of the examining board shall notify the certificate credential  
3 holder, in writing, of the substance of the report. The certificate credential holder  
4 and the ~~certificate holder's~~ his or her authorized representative may examine the  
5 report and may place into the record a statement, of reasonable length, of the  
6 certificate credential holder's view of the correctness or relevance of any information  
7 in the report. The ~~certificate~~ credential holder may institute an action in circuit court  
8 to amend or expunge any part of the ~~certificate holder's~~ his or her record related to  
9 the report.

10           (b) If the appropriate section of the examining board determines that a report  
11 submitted under sub. (1), (2), (3), or (4) is without merit or that the certificate  
12 credential holder has sufficiently improved his or her conduct, that section of the  
13 examining board shall remove the report from the ~~certificate holder's~~ his or her  
14 record. If no report about a certificate credential holder is filed under sub. (1), (2),  
15 (3), or (4) for 2 consecutive years, the certificate credential holder may petition the  
16 appropriate section of the examining board to remove any prior reports, which did  
17 not result in disciplinary action, from his or her record.

18           **SECTION 90.** 457.26 (2) (intro.), (a) and (b) of the statutes are amended to read:

19           457.26 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the  
20 appropriate section of the examining board may reprimand a certificate credential  
21 holder or deny, limit, suspend, or revoke a certificate credential under this chapter  
22 if it finds that the applicant ~~or certificate~~ credential holder has done any of the  
23 following:

24           (a) Made a material misstatement in an application for a certificate credential  
25 or for renewal of a certificate credential.

**BILL****SECTION 90**

1 (b) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an offense the  
2 circumstances of which substantially relate to the practice of social work, advanced  
3 practice social work, independent social work, clinical social work, marriage and  
4 family therapy, or professional counseling.

5 **SECTION 91.** 457.26 (2) (e) of the statutes is amended to read:

6 457.26 (2) (e) Subject to ss. 111.321, 111.322, and 111.34, practiced social work,  
7 advanced practice social work, independent social work, clinical social work,  
8 marriage and family therapy, or professional counseling while his or her ability to  
9 practice was impaired by alcohol or other drugs.

10 **SECTION 92.** 457.26 (2) (g) of the statutes is amended to read:

11 457.26 (2) (g) Performed social work, advanced practice social work, or  
12 independent social work services in violation of the rules promulgated under s.  
13 457.03 (2) or otherwise engaged in conduct while practicing social work, advanced  
14 practice social work, independent social work, clinical social work, marriage and  
15 family therapy, or professional counseling which evidences a lack of knowledge or  
16 ability to apply professional principles or skills.

17 **SECTION 93.** 457.26 (3) of the statutes is created to read:

18 457.26 (3) The appropriate section of the examining board may appoint a panel  
19 of credential holders to advise the section on any investigation or hearing conducted  
20 under sub. (1) or any disciplinary action taken under sub. (2). The members of a  
21 panel appointed under this subsection shall hold the same credential as the person  
22 who is the subject of the investigation, hearing, or disciplinary action.

23 **SECTION 94.** 609.655 (3) (a) of the statutes is amended to read:

24 609.655 (3) (a) A clinical assessment of the dependent student's nervous or  
25 mental disorders or alcoholism or other drug abuse problems, conducted by a

**BILL**

1 provider described in s. 632.89 (1) (e) 2. ~~or~~, 3., or 4., who is located in this state and  
2 in reasonably close proximity to the school in which the dependent student is  
3 enrolled and who may be designated by the managed care plan.

4 **SECTION 95.** 609.71 of the statutes is created to read:

5 **609.71 Coverage of psychotherapy providers.** Managed care plans are  
6 subject to s. 632.87 (6).

7 **SECTION 96.** 632.87 (1) of the statutes is amended to read:

8 **632.87 (1)** No insurer may refuse to provide or pay for benefits for health care  
9 services provided by a licensed health care professional on the ground that the  
10 services were not rendered by a physician as defined in s. 990.01 (28), unless the  
11 contract clearly excludes services by such practitioners, but no contract or plan may  
12 exclude services in violation of sub. (2), (2m), (3), (4) ~~or~~, (5), or (6).

13 **SECTION 97.** 632.87 (6) of the statutes is created to read:

14 **632.87 (6) (a)** In this subsection, “psychotherapy” has the meaning given in s.  
15 457.01 (8m).

16 (b) No policy, plan, or contract that covers psychotherapy services may exclude  
17 or refuse to provide coverage for psychotherapy services performed by a clinical  
18 social worker licensed under ch. 457, a marriage and family therapist licensed under  
19 ch. 457, or a professional counselor licensed under ch. 457, within the scope of the  
20 clinical social worker’s, marriage and family therapist’s, or professional counselor’s  
21 professional license, if the policy, plan, or contract includes coverage for  
22 psychotherapy services performed by another health care provider, as defined in s.  
23 146.81 (1).

24 **SECTION 98.** 632.89 (1) (e) 4. of the statutes is created to read:

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1           632.89 (1) (e) 4. A clinical social worker who is licensed under ch. 457, a  
2 marriage and family therapist who is licensed under ch. 457, or a professional  
3 counselor who is licensed under ch. 457.

4           **SECTION 99.** 905.04 (1) (bm) of the statutes is amended to read:

5           905.04 (1) (bm) “Marriage and family therapist” means an individual who is  
6 ~~certified~~ licensed as a marriage and family therapist under ch. 457 or an individual  
7 reasonably believed by the patient to be a marriage and family therapist.

8           **SECTION 100.** 905.04 (1) (dm) of the statutes is amended to read:

9           905.04 (1) (dm) “Professional counselor” means an individual who is ~~certified~~  
10 licensed as a professional counselor under ch. 457 or an individual reasonably  
11 believed by the patient to be a professional counselor.

12           **SECTION 101.** 905.04 (1) (g) of the statutes is amended to read:

13           905.04 (1) (g) “Social worker” means an individual who is certified or licensed  
14 as a social worker, advanced practice social worker, independent social worker, or  
15 clinical social worker under ch. 457 or an individual reasonably believed by the  
16 patient to be a social worker, advanced practice social worker, independent social  
17 worker, or clinical social worker.

18           **SECTION 102. Nonstatutory provisions.**

19           (1) DEFINITIONS. In this SECTION:

20           (a) “Department” means the department of regulation and licensing.

21           (b) “Examining board” means the marriage and family therapy, professional  
22 counseling, and social work examining board.

23           (2) EXAMINING BOARD MEMBERSHIP. Notwithstanding section 15.405 (7c) (a) and  
24 (am) of the statutes, as affected by this act, a member of the examining board who  
25 was appointed on or before the effective date of this subsection may continue to serve

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1 as a member of the examining board until the end of his or her appointed term, except  
2 for a member whose appointed term expires on or before January 1, 2002.

3 (3) TRANSITIONAL PROVISIONS.

4 (a) *Duties of examining board sections.* Notwithstanding sections 457.08 (4)  
5 (intro.), (c) (intro.), 1., 2., 3., and 4. and (d), 457.10 (intro.) and (3) (intro.), (a), (b), (c),  
6 and (d), 457.12 (intro.) and (3) (a) (intro.), 1., 2., 3., and 4. and (b) (intro.), 1., 2., 3.,  
7 and 4., 457.14 (1), and 457.15 (1) (intro.), (a), (b), (c), and (d), (2), and (3) of the  
8 statutes, as affected by this act, on the effective date of this paragraph:

9 1. The social worker section of the examining board shall grant a clinical social  
10 worker license under section 457.08 (4) of the statutes, as affected by this act, to any  
11 person who holds a valid independent clinical social worker certificate that was  
12 granted by the social worker section of the examining board before the effective date  
13 of this subdivision.

14 2. The marriage and family therapist section of the examining board shall  
15 grant a marriage and family therapist license under section 457.10 of the statutes,  
16 as affected by this act, to any person who holds a valid marriage and family therapist  
17 certificate that was granted by the marriage and family therapy section of the  
18 examining board before the effective date of this subdivision.

19 3. The professional counselor section of the examining board shall grant a  
20 professional counselor license under section 457.12 of the statutes, as affected by this  
21 act, to any person who holds a valid professional counselor certificate that was  
22 granted by the professional counselor section of the examining board before the  
23 effective date of this subdivision.

24 4. The appropriate section of the examining board shall grant a temporary  
25 social worker, marriage and family therapist, or professional counselor license under

**BILL**

1 section 457.14 (1) of the statutes, as affected by this act, to any person who holds a  
2 valid temporary social worker, marriage and family therapist, or professional  
3 counselor certificate that was granted by that section of the examining board before  
4 the effective date of this subdivision. A temporary license granted pursuant to this  
5 subdivision is valid only for the period of time designated by the section of the  
6 examining board for the temporary certificate granted to the person. If the  
7 temporary certificate was renewed once by the section, the temporary license may  
8 not be renewed.

9 (b) *Duty of department.* The department shall issue a certificate of licensure  
10 under section 457.20 (1) of the statutes, as affected by this act, to any person who is  
11 granted a license under paragraph (a).

**SECTION 103. Initial applicability.**

12  
13 (1) **INSURANCE COVERAGE OF SERVICES.** The treatment of sections 40.51 (8) and  
14 (8m), 60.23 (25), 66.0137 (4), 111.91 (2) (pm), 120.13 (2) (g), 185.981 (4t), 185.983 (1)  
15 (intro.), 609.655 (3) (a), 609.71, 632.87 (1) and (6), and 632.89 (1) (e) 4. of the statutes  
16 first applies to all of the following:

17 (a) Except as provided in paragraphs (b) and (c), insurance policies, plans, or  
18 contracts that are issued or renewed, and self-insured health plans that are  
19 established, extended, modified, or renewed, on the effective date of this paragraph.

20 (b) Insurance policies, plans, or contracts covering employees who are affected  
21 by a collective bargaining agreement containing provisions inconsistent with this act  
22 that are issued or renewed on the earlier of the following:

23 1. The day on which the collective bargaining agreement expires.

24 2. The day on which the collective bargaining agreement is extended, modified,  
25 or renewed.



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2492/1dn  
MDK:cjs:rs

February 13, 2001

Senator Grobschmidt:

This bill, which was requested on your behalf by Dismas Becker, is identical to Representative Urban's LRB-0746/2.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.state.wi.us](mailto:mark.kunkel@legis.state.wi.us)



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
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STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

February 13, 2001

### MEMORANDUM

To: Senator Grobschmidt

From: Mark D. Kunkel, Legislative Attorney

Re: LRB-2492 Regulation of social workers, marriage and family therapists, professional counselors, and art, music, and dance therapists

*- wait for "1/3" of  
Rep. Urban's bill.*

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0131 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.