

2005 Senate Bill 673

Date of enactment: **May 10, 2006**  
Date of publication\*: **May 24, 2006**

## 2005 WISCONSIN ACT 407

**AN ACT** *to repeal* 440.75 (3) (a) 4.; *to renumber and amend* 440.75 (1) (a), 440.75 (1) (b), 440.75 (3) (a) 1., 440.75 (3) (a) 2., 440.75 (3) (a) 3., 440.75 (3) (a) 7. and 440.75 (4); *to amend* 440.08 (2) (a) 9m., 457.02 (5) and 457.02 (5m); *to create* 440.88 (1) (am), 440.88 (3) (a) 4m., 440.88 (3) (a) 8., 440.88 (9), 440.88 (10) and 440.88 (11) of the statutes; and *to affect* 2005 Wisconsin Act 25, section 9121 (12s) (a) 1. to 6. and 2005 Wisconsin Act 25, section 9421 (10q); **relating to:** certification of substance abuse counselors, clinical supervisors, and prevention specialists and requiring the exercise of rule-making authority.

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

**SECTION 1.** 440.08 (2) (a) 9m. of the statutes, as created by 2005 Wisconsin Act 25, is amended to read:

440.08 (2) (a) 9m. Substance abuse counselor, clinical supervisor, or prevention specialist: except as limited in s. 440.88 (4), March 1 of each odd-numbered year; \$70.

**SECTION 2.** 440.75 (1) (a) of the statutes, as created by 2005 Wisconsin Act 25, is renumbered 440.88 (1) (a) and amended to read:

440.88 (1) (a) "Clinical supervisor" means a ~~basic clinical supervisor~~ supervisor-in-training, an intermediate clinical supervisor, or an independent clinical supervisor.

**SECTION 3.** 440.75 (1) (b) of the statutes, as created by 2005 Wisconsin Act 25, is renumbered 440.88 (1) (b) and amended to read:

440.88 (1) (b) "Substance abuse counselor" means a ~~basic substance abuse counselor, an intermediate counselor-in-training, a~~ substance abuse counselor, or an ~~independent a clinical~~ substance abuse counselor.

**SECTION 4.** 440.75 (3) (a) 1. of the statutes, as created by 2005 Wisconsin Act 25, is renumbered 440.88 (3) (a) 1. and amended to read:

440.88 (3) (a) 1. ~~Basic substance~~ Substance abuse counselors ~~counselors-in-training~~.

**SECTION 5.** 440.75 (3) (a) 2. of the statutes, as created by 2005 Wisconsin Act 25, is renumbered 440.88 (3) (a) 2. and amended to read:

440.88 (3) (a) 2. ~~Intermediate substance~~ Substance abuse counselors.

**SECTION 6.** 440.75 (3) (a) 3. of the statutes, as created by 2005 Wisconsin Act 25, is renumbered 440.88 (3) (a) 3. and amended to read:

440.88 (3) (a) 3. ~~Independent~~ Clinical substance abuse counselors.

**SECTION 7.** 440.75 (3) (a) 4. of the statutes, as created by 2005 Wisconsin Act 25, is repealed.

**SECTION 8.** 440.75 (3) (a) 7. of the statutes, as created by 2005 Wisconsin Act 25, is renumbered 440.88 (3) (a) 7. and amended to read:

440.88 (3) (a) 7. Prevention specialists ~~specialists-~~ in-training.

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\* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

**SECTION 9.** 440.75 (4) of the statutes, as created by 2005 Wisconsin Act 25, is renumbered 440.88 (4) and amended to read:

**440.88 (4) APPLICATIONS; CERTIFICATION PERIOD.** An application for certification as a substance abuse counselor, clinical supervisor, or prevention specialist under this section shall be made on a form provided by the department and filed with the department and shall be accompanied by the fee specified in s. 440.05 (1). The renewal date and renewal fee for certification as a substance abuse counselor, clinical supervisor, or prevention specialist are specified under s. 440.08 (2) (a). Renewal of certification as a substance abuse counselor-in-training, a clinical supervisor-in-training, or a prevention specialist-in-training may be made only twice.

**SECTION 10.** 440.88 (1) (am) of the statutes is created to read:

**440.88 (1) (am)** "Prevention specialist" means a prevention specialist-in-training or a prevention specialist.

**SECTION 11.** 440.88 (3) (a) 4m. of the statutes is created to read:

**440.88 (3) (a) 4m.** Clinical supervisors-in-training.

**SECTION 12.** 440.88 (3) (a) 8. of the statutes is created to read:

**440.88 (3) (a) 8.** Prevention specialists.

**SECTION 13.** 440.88 (9) of the statutes is created to read:

**440.88 (9) CONTINUING EDUCATION.** The department may do all of the following:

(a) Establish the minimum number of hours of continuing education required for renewal of certification under this section and the topic areas that the continuing education must cover.

(b) Require continuing education as part of any disciplinary process for an individual.

**SECTION 14.** 440.88 (10) of the statutes is created to read:

**440.88 (10) CONTINUING EDUCATION COURSE APPROVAL.** The department shall establish the criteria for the approval of continuing education programs and courses required for renewal of certification of a substance abuse counselor, clinical supervisor, or prevention specialist and the criteria for the approval of the sponsors and cosponsors of those continuing education programs and courses. The department shall approve continuing education programs and courses in accordance with the criteria established under this subsection.

**SECTION 15.** 440.88 (11) of the statutes is created to read:

**440.88 (11) SCOPE OF PRACTICE.** The department shall promulgate rules establishing minimum standards for the practice of substance abuse counseling, supervision, and prevention.

**SECTION 16.** 457.02 (5) of the statutes is amended to read:

**457.02 (5)** Authorize any individual who is certified or licensed under this chapter to use the title "alcohol and drug counselor" or "chemical dependency counselor" unless the individual is certified as an alcohol and drug counselor or as a chemical dependency counselor through a process recognized by the department of health and family services.

**SECTION 17.** 457.02 (5m) of the statutes, as affected by 2005 Wisconsin Act 25, is amended to read:

**457.02 (5m)** Authorize any individual who is certified or licensed under this chapter to treat alcohol or substance dependency or abuse as a specialty unless the individual is a certified substance abuse counselor, clinical supervisor, or prevention specialist under s. 440.75 ~~440.88~~, or unless the individual satisfies educational and supervised training requirements established in rules promulgated by the examining board. In promulgating rules under this subsection, the examining board shall consider the requirements for qualifying as a certified substance abuse counselor, clinical supervisor, or prevention specialist under s. 440.75 ~~440.88~~.

**SECTION 18.** 2005 Wisconsin Act 25, section 9121 (12s) (a) 1. to 6. is amended to read:

[2005 Wisconsin Act 25] Section 9121 (12s) (a) 1. If certified as a registered alcohol and drug counselor I, certified as a ~~basic~~ substance abuse counselor counselor-in-training.

2. If certified as a certified alcohol and drug counselor II, as a certified alcohol and drug counselor, or as a certified alcohol and drug counselor-D, certified as an ~~intermediate~~ a substance abuse counselor.

3. If certified as a certified alcohol and drug counselor III ~~or as a certified alcohol and drug counselor-D~~, certified as an ~~independent~~ a clinical substance abuse counselor.

4. If certified as a registered clinical supervisor, certified as a ~~basic~~ clinical supervisor supervisor-in-training.

5. If certified as a certified clinical supervisor I ~~or as a certified clinical supervisor-G~~, certified as an intermediate clinical supervisor.

6. If certified as a certified clinical supervisor II ~~or certified clinical supervisor-G~~, certified as an independent clinical supervisor.

**SECTION 19.** 2005 Wisconsin Act 25, section 9421 (10q) is amended to read:

[2005 Wisconsin Act 25] Section 9421 (10q) TRANSFER OF ALCOHOL AND OTHER DRUG ABUSE COUNSELOR CERTIFICATION. The treatment of sections 440.03 (13) (b) 5m., 440.08 (2) (a) 9m., and 457.02 (5m) and subchapter VII of chapter 440 of the statutes and SECTIONS 9121 (12s) and 9321 (8q) of this act take effect on December 15, 2006.

**SECTION 20. Nonstatutory provisions.**

(1) TRANSFER OF ALCOHOL AND DRUG COUNSELOR CERTIFICATION. An individual who was certified as a reg-

istered prevention worker under the requirements of section HFS 75.02 (84) (a) of the Wisconsin Administrative Code immediately before July 27, 2005, is certified as a prevention specialist-in-training under section 440.88

of the statutes, as affected by this act.

**SECTION 21. Effective date.**

(1) This act takes effect on December 15, 2006.

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