

2019 DRAFTING REQUEST**Assembly Amendment (AA-AB650)**

For: **John Nygren (608) 266-2343** Drafter: **tdodge**
 By: **Chris** Secondary Drafters:
 Date: **12/18/2019** May Contact:
 Same as LRB: **a0879**

Submit via email: **YES**
 Requester's email: **Rep.Nygren@legis.wisconsin.gov**
 Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Training requirements for peer recovery coaches; other changes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 12/18/2019	csicilia 12/19/2019			
/P1	tdodge 1/9/2020	csicilia 1/10/2020	dwalker 12/19/2019		
/P2	tdodge 1/13/2020	csicilia 1/13/2020	mbarman 1/10/2020		
/P3			dwalker 1/13/2020		
/1			dwalker	dwalker	

Vers. Drafted

Reviewed

Submitted
1/13/2020

Jacketed
1/13/2020

Required

FE Sent For:

<END>

Dodge, Tamara

From: Borgerding, Chris
Sent: Wednesday, December 18, 2019 1:08 PM
To: Dodge, Tamara
Subject: recovery coaches amendment

Follow Up Flag: FollowUp
Flag Status: Flagged

Hi Tami,

Was wondering if I could have the following drafted as an amendment:

Assembly Bill 650, page 4, line 17 should read.... Under the supervision of a peer supervisor or clinical supervisor who has been trained in all of the following subjects.....

Page 5, line 14, delete words after responsibility, delete line 15 and 16.

Page 5, line 17, change 25 to 24.

Page 5, delete lines 20-22

Thanks!

Chris Borgerding

Office of State Representative John Nygren
Co-Chair, Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2343



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa0821? De PI
TJD:...

Due Thurs 12/19
if possible

In: 12/18

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 650**

js

bh ✓

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 4, line 17: delete "a peer" and substitute "a clinical".
- 3 **2.** Page 5, line 14: delete the material beginning with "that includes" and
- 4 ending with "responsibility" on line 16.
- 5 **3.** Page 5, line 17: delete "Twenty-five" and substitute "Twenty-four".
- 6 **4.** Page 5, line 20: delete lines 20 to 22.

7 (END)

Dodge, Tamara

From: jmalcore@foley.com
Sent: Thursday, January 09, 2020 10:52 AM
To: Dodge, Tamara; Borgerding, Chris
Subject: RE: Licensed clinical professional

Chris and Tami,

I believe that Tami is correct, DHS wants to go farther than the federal government, if we can define a competent mental health professional and include CSAC or ICS. We should also give DHS the training requirements BUT MANDATE that they work with the recovery community to set up those standards and to report back to JFC before implementation.

Also, let us know if we need to specify to the Department that they have to set up direct billing through Medicaid and not through CCS and to submit it within the State plan amendment.

I think we should discuss the rule making authority to DHS this afternoon.

Thank you for all your work.

Jenny

Jennifer Malcore
Dir, Public Affairs

Foley & Lardner, LLP
Suite 5000
150 Gilman Street
Madison, WI 53703
PH 608 250 7416

From: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>
Sent: Wednesday, January 8, 2020 9:30 AM
To: Borgerding, Chris <Chris.Borgerding@legis.wisconsin.gov>
Cc: Malcore, Jenny <jmalcore@foley.com>
Subject: RE: Licensed clinical professional

**** EXTERNAL EMAIL MESSAGE ****

Chris,

I think some form of the definition that we are looking at should work, at least for the federal government. The federal government requires "competent mental health professional" not necessarily "licensed" as DHS insists. I am a little concerned that DHS wants to go beyond the federal standard.

Keep me posted. I'll try to listen to the testimony as much as I can today. If you think it would be helpful I may be able to stop by Assembly Substance Abuse for the beginning.

Tami

Tamara J. Dodge
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau

P.O. Box 2037
Madison, WI 53701-2037
(608) 504 - 5808
tamara.dodge@legis.wisconsin.gov

Please note my new direct phone number (as of June 13, 2018).

From: Borgerding, Chris <Chris.Borgerding@legis.wisconsin.gov>
Sent: Wednesday, January 08, 2020 8:48 AM
To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>; jmalcore@foley.com
Subject: RE: Licensed clinical professional

Good morning,

Here is DHS testimony on this portion:

Were SB 582 to pass in its current form, peer recovery coaches would be entirely GPR funded because the bill does not propose they be supervised by a licensed mental health professional, rather by another peer with certain training. With some changes, there may be opportunity to draw down federal matching funds and better preserve the existing workforce by either building upon our existing Certified Peer Specialists infrastructure, or by providing DHS with additional oversight of the training and other requirements so that the Department can align it with the existing infrastructure. We are happy to continue to work with the authors on creative solutions that promote sustainable peer-based services.

Chris Borgerding

Office of State Representative John Nygren
Co-Chair, Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2343

From: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>
Sent: Tuesday, January 07, 2020 4:23 PM
To: jmalcore@foley.com; Borgerding, Chris <Chris.Borgerding@legis.wisconsin.gov>
Subject: RE: Licensed clinical professional

Jenny,

No, I don't think it would include them (the definition was created for a "mental health" not necessarily substance abuse context.) But I can definitely include them.

Tami

Tamara J. Dodge

Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504 - 5808
tamara.dodge@legis.wisconsin.gov

Please note my new direct phone number (as of June 13, 2018).

From: jmalcore@foley.com <jmalcore@foley.com>

Sent: Tuesday, January 07, 2020 4:18 PM

To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>; Borgerding, Chris <Chris.Borgerding@legis.wisconsin.gov>

Subject: Licensed clinical professional

Tami,

Would your definition below include CSAC or ICS?

Thank you,

Jenny

In AB 650 re: peer recovery coaches, we discussed yesterday about the supervision requirement on p. 4, lines 17-18. With an amendment it would read "clinical supervisor," and Jenny asked what that really meant. I was looking through DHS 35 for something else and found a definition of "clinical supervision." Then I went down a bit of a rabbit hole, but absent any other guidance in the bill, DHS may apply one of these definitions.

In DHS 75, Community Substance Abuse Service Standards:

DHS 75.02 (11) "Clinical supervisor" means any of the following:

- (a) An individual who meets the qualifications established in s. SPS 160.02 (7).
- (b) A physician knowledgeable in addiction treatment.
- (c) A psychologist knowledgeable in psychopharmacology and addiction treatment.

In DHS 35, Outpatient Mental Health Clinics

DHS 35.03 (5) "Clinical supervision" means any of the following:

- (a) The supervised practice of psychotherapy as described under ch. MPSW 4, 12, or 16, or Psy 2, as applicable. For a recognized psychotherapy practitioner, "clinical supervision" means the supervised practice of psychotherapy by a licensed treatment professional of at least one hour per week.
- (b) For any staff member, including a substance abuse counselor, who provides services to consumers who have a primary diagnosis of substance abuse, "clinical supervision" has the meaning given under s. SPS 160.02 (6) by a **clinical supervisor as defined under s. SPS 160.02 (7)**.

SPS 160.02(7)

(7) "Clinical supervisor" means an individual who holds a clinical supervisor-in-training certificate, an intermediate clinical supervisor certificate or an independent clinical supervisor certificate granted by the department.

You asked for a definition that I have used for "licensed mental health professional" and I have used the following for services provided in schools:

51.03(6)(a) In this subsection, "licensed treatment professional" means a physician who has completed a residence in psychiatry; a psychologist or a private practice school psychologist licensed under ch. 455; a marriage and family therapist licensed under s. 457.10 or 457.11; a professional counselor licensed under s. 457.12 or 457.13; an advanced practice social worker granted a certificate under s. 457.08 (2); an independent social worker licensed under s. 457.08 (3); a clinical social worker licensed under s. 457.08 (4); or any of these individuals practicing under a currently valid training or temporary license or certificate granted under applicable provisions of ch. 457. "Licensed treatment professional" does not include an individual whose license or certificate is suspended, revoked, or voluntarily

surrendered, or whose license or certificate is limited or restricted, when practicing in areas prohibited by the limitation or restriction.

[Note that this definition is very similar, and may be identical to, the definition for licensed treatment professional in DHS 35. Licensed treatment professionals in ch. DHS 35 may supervise the practice of psychotherapy (see the definition of clinical supervision above.)]

Jennifer Malcore
Dir, Public Affairs

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PH 608 250 7416

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1/9

Meeting w/ Chris - Rep Nugren's office

- Define "competent mental health professional"

Use s. 51.03 (6) and add CSAC & ICS

- Specify that training requirements be established by the department by rule, after consulting with the recovery community

- Allow those rules to be emergency rules - rules don't expire until promulgation of permanent rules

• P.5 line 13 46 → 40 hours

PS line 16 16 → 10 hours

- P.4, line 17 "supervision by a competent mental health professional"



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa0821/P1 ^{ep2}
TJD:cjs

Due Friday
1110 (H)

In: 119

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 650

bh

Insert 1-2

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 4, line 17: delete "a peer" and substitute "a clinical".
- 3 **2.** Page 5, line 14: delete the material beginning with "that includes" and
- 4 ending with "responsibility" on line 16.
- 5 **3.** Page 5, line 17: delete "Twenty-five" and substitute "Twenty-four".
- 6 **4.** Page 5, line 20: delete lines 20 to 22.
- 7 **(END)**

Insert 1-17

LEGISLATIVE REFERENCE BUREAU

#.Page 4, line 8 = after ↓ this ↓ insert ↓ subsection: ↓

providing an exemption from emergency rule procedures,

that line granting

- 1 INSERT 1-2
- 2 1. Page 1, line 3: delete "program and" and substitute "program,".
- 3 2. Page 1, line 4: after "overdose" insert "requiring the exercise of
- 4 rule-making authority, and extending the time limit for emergency rule procedures".
- 5 3. Page 4, line 9: delete "subsection, "peer recovery coach"" and substitute
- 6 "subsection: 1. "Competent mental health professional" means a physician who has
- 7 completed a residence in psychiatry; a psychologist or a private practice school
- 8 psychologist licensed under ch. 455; a marriage and family therapist licensed under
- 9 s. 457.10 or 457.11; a professional counselor licensed under s. 457.12 or 457.13; an
- 10 advanced practice social worker granted a certificate under s. 457.08 (2); an
- 11 independent social worker licensed under s. 457.08 (3); a clinical social worker
- 12 licensed under s. 457.08 (4); a clinical substance abuse counselor or independent
- 13 clinical supervisor certified under s. 440.88, or any of these individuals practicing
- 14 under a currently valid training or temporary license or certificate granted under
- 15 applicable provisions of ch. 457. "Competent mental health professional" does not
- 16 include an individual whose license or certificate is suspended, revoked, or
- 17 voluntarily surrendered, or whose license or certificate is limited or restricted, when
- 18 practicing in areas prohibited by the limitation or restriction.
- 19 2. "Peer recovery coach".

means an individual who practices in the recovery

****NOTE: Under s. 440.88, which is the section regarding certifications of CSACs and ICSs there are additional types of substance abuse counselors and clinical supervisors. Are there any other providers listed under s. 440.88 that you want added to this list?

granted a certificate

1 **4.** Page 4, line 17: delete the material beginning with “peer” and ending with
 2 “supervisor” on line 18 and substitute “competent mental health professional”. ✓

 ****NOTE: Please note that the bill has a list of topics in which the supervisor must
 be trained. Since you changed the list of individuals who may be supervisors of peer
 recovery coaches, do you want to eliminate the list of training topics on page 4, line 19 to
 page 5, line 7? (with a circled question mark and an arrow pointing to line 19)

3 **5.** Page 5, line 12: after “requirements” insert “, as established by the
 4 department by rule, after consulting with members of the recovery community”.

5 **6.** Page 5, line 13: delete “Forty-six” and substitute “Forty”. ✓

6 **7.** Page 5, line 16: delete “16” and substitute “10”.

7 END INSERT 1-2

8 INSERT 1-7

9 **8.** Page 6, line 6: after that line insert: ✓

10 **“SECTION 4m. Nonstatutory provisions.**

11 (1) RULES REGARDING TRAINING OF PEER RECOVERY COACHES. The department of
 12 health services may promulgate the rules required under s. 49.45 (30j) (b) 4. as
 13 emergency rules under s. 227.24. Notwithstanding s. 227.24 (1) (a) and (3), the
 14 department of health services is not required to provide evidence that promulgating
 15 a rule under this subsection as an emergency rule is necessary for the preservation
 16 of the public peace, health, safety, or welfare and is not required to provide a finding
 17 of emergency for a rule promulgated under this subsection. Notwithstanding s.
 18 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in
 19 effect until the date the permanent rules take effect.”.

20 END INSERT 1-7

Dodge, Tamara

From: Dodge, Tamara
Sent: Monday, January 13, 2020 12:10 PM
To: Borgerding, Chris
Cc: jmalcore@foley.com
Subject: RE: recovery coaches amendment

Hi Chris,

Yes, absolutely.

Tami

Tamara J. Dodge
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504 - 5808
tamara.dodge@legis.wisconsin.gov

Please note my new direct phone number (as of June 13, 2018).

From: Borgerding, Chris <Chris.Borgerding@legis.wisconsin.gov>
Sent: Monday, January 13, 2020 12:05 PM
To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>
Cc: jmalcore@foley.com
Subject: RE: recovery coaches amendment

Can I get stripes for this? Sent to Testin office as well.

Thanks!

Chris Borgerding
Office of State Representative John Nygren
Co-Chair, Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.266.2343

From: Borgerding, Chris
Sent: Monday, January 13, 2020 9:24 AM
To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>
Cc: 'jmalcore@foley.com' <jmalcore@foley.com>
Subject: recovery coaches amendment

Tami,

Per your two notes:

- 1) No we don't want any others added.

2) Keep the training topics in.

Thank you!

Chris Bergerding

Office of State Representative John Nygren

Co-Chair, Joint Committee on Finance

89th Assembly District

309 East, State Capitol

608.266.2343



NOW

In: 1/13

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 650**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: delete “program and” and substitute “program,”.

3 **2.** Page 1, line 4: after “overdose” insert “, granting rule-making authority,
4 providing an exemption from emergency rule procedures, and extending the time
5 limit for emergency rule procedures”.

6 **3.** Page 4, line 8: after “this” insert “subsection:”.

7 **4.** Page 4, line 9: delete that line and substitute:

8 “1. “Competent mental health professional” means a physician who has
9 completed a residence in psychiatry; a psychologist or a private practice school
10 psychologist licensed under ch. 455; a marriage and family therapist licensed under
11 s. 457.10 or 457.11; a professional counselor licensed under s. 457.12 or 457.13; an
12 advanced practice social worker granted a certificate under s. 457.08 (2); an

1 independent social worker granted a certificate under s. 457.08 (3); a clinical social
2 worker licensed under s. 457.08 (4); a clinical substance abuse counselor or
3 independent clinical supervisor certified under s. 440.88, or any of these individuals
4 practicing under a currently valid training or temporary license or certificate
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6 professional” does not include an individual whose license or certificate is suspended,
7 revoked, or voluntarily surrendered, or whose license or certificate is limited or
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9 2. “Peer recovery coach” means an individual who practices in the recovery”.

****NOTE: Under s. 440.88, which is the section regarding certifications of CSACs and ICSs there are additional types of substance abuse counselors and clinical supervisors. Are there any other providers listed under s. 440.88 that you want added to this list?

10 5. Page 4, line 17: delete the material beginning with “peer” and ending with
11 “supervisor” on line 18 and substitute “competent mental health professional”.

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12 6. Page 5, line 12: after “requirements” insert “, as established by the
13 department by rule, after consulting with members of the recovery community”.

14 7. Page 5, line 13: delete “Forty-six” and substitute “Forty”.

15 8. Page 5, line 16: delete “16” and substitute “10”.

16 9. Page 5, line 17: delete “Twenty-five” and substitute “Twenty-four”.

17 10. Page 5, line 20: delete lines 20 to 22.

18 11. Page 6, line 6: after that line insert:

19 “SECTION 4m. Nonstatutory provisions.

Dodge, Tamara

From: Dodge, Tamara
Sent: Monday, January 13, 2020 12:47 PM
To: Borgerding, Chris
Subject: FW: Draft review: LRB a0821/P3
Attachments: 19a0821/P3.pdf

I just realized I did this as a preliminary amendment again to take the notes out. I'll get you the /1 now.

Tami

Tamara J. Dodge
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 504 - 5808
tamara.dodge@legis.wisconsin.gov

Please note my new direct phone number (as of June 13, 2018).

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Monday, January 13, 2020 12:27 PM
To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>
Subject: Draft review: LRB a0821/P3

Draft Requester: Rep. John Nygren

Following is the PDF version of draft LRB a0821/P3.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa0821/P3
TJD:cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 650

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8 completed a residence in psychiatry; a psychologist or a private practice school
9 psychologist licensed under ch. 455; a marriage and family therapist licensed under
10 s. 457.10 or 457.11; a professional counselor licensed under s. 457.12 or 457.13; an
11 advanced practice social worker granted a certificate under s. 457.08 (2); an
12 independent social worker granted a certificate under s. 457.08 (3); a clinical social

1 of emergency for a rule promulgated under this subsection. Notwithstanding s.
2 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in
3 effect until the date the permanent rules take effect.”.

4

(END)