

1999 ASSEMBLY BILL 420

July 15, 1999 – Introduced by Representatives URBAN, WASSERMAN, FREESE, PLOUFF, GOETSCH, SINICKI, MUSSER, YOUNG, OTT, SCHNEIDER, SERATTI, PLALE, GRONEMUS, ALBERS, HASENOHRL, HANDRICK and MEYER, cosponsored by Senators GROBSCHMIDT, ROSENZWEIG, GEORGE, FARROW, BRESKE and DARLING. Referred to Committee on Health.

1 **AN ACT** *to repeal* 457.01 (4), 457.01 (8) and 457.01 (11); *to renumber* 457.01 (1);
2 *to renumber and amend* 15.405 (7c) (a), 457.01 (3), 457.01 (7), 457.03, 457.08
3 (4) (c), 457.10 (3), 457.12 (3) (a), 457.12 (3) (b), 457.15 (1) (d), 457.15 (2), 457.15
4 (3) and 457.22; *to amend* 15.08 (1m) (b), 15.405 (7c) (d), 15.405 (7c) (e), 15.405
5 (7c) (f), 48.981 (2), 146.81 (1) (hg), 180.1901 (1m) (f), 252.10 (7), 252.14 (1) (ar)
6 7., 440.08 (2) (a) 46m., 440.08 (2) (a) 63m., 450.10 (3) (a) 10., 457.01 (2), 457.01
7 (9), 457.01 (10), 457.02 (1) to (5), 457.04 (1) to (4), 457.04 (5), 457.04 (6), 457.06
8 (intro.) and (1), 457.08 (title), 457.08 (1) (intro.), 457.08 (1) (b), 457.08 (1) (c),
9 457.08 (2) (intro.), 457.08 (2) (b), 457.08 (2) (c), 457.08 (3) (intro.), 457.08 (3) (b),
10 457.08 (3) (c), 457.08 (3) (d), 457.08 (4) (intro.), 457.08 (4) (b), 457.08 (4) (d),
11 457.09 (title) and (1) (intro.) and (a), 457.09 (1) (c), 457.09 (1) (d), 457.09 (2),
12 457.09 (3), 457.09 (4) (intro.), 457.09 (4m), 457.09 (5), 457.10 (intro.), 457.10 (2)
13 (intro.), 457.10 (2) (b), 457.10 (4), 457.12 (intro.), 457.12 (2), 457.12 (3) (intro.),
14 457.12 (4), 457.13 (title) and (1) (intro.) and (a), 457.13 (1) (d), 457.13 (2), 457.14,

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1 457.15 (title), 457.15 (1) (intro.), (a), (b) and (c), 457.16 (1), 457.16 (2), 457.16
2 (3), 457.20 (1) and (2), 457.20 (3) (b) and (c), 457.20 (4), 457.25, 457.26 (2)
3 (intro.), (a) and (b), 457.26 (2) (e), 457.26 (2) (f), 457.26 (2) (g), 895.70 (1) (e),
4 905.04 (1) (bm), 905.04 (1) (dm) and 940.22 (1) (i); **to repeal and recreate**
5 15.405 (7c) (title), 15.405 (7c) (b), 15.405 (7c) (c), chapter 457 (title) and 457.01
6 (8m); and **to create** 15.405 (7c) (a) 2., 457.01 (1e), 457.01 (1o), 457.01 (1r),
7 457.01 (1s), 457.01 (1w), 457.01 (2g), 457.01 (2r), 457.01 (2w), 457.02 (6), 457.03
8 (1), (ae), (am) and (as), 457.03 (1) (be), (bm) and (bs), 457.03 (1) (d) and (e),
9 457.03 (1) (f), 457.03 (2m), 457.04 (7), 457.08 (4) (c) 1., 2. and 3., 457.10 (3) (a),
10 (b) and (c), 457.11, 457.12 (3) (a) 1., 2. and 3., 457.12 (3) (b) 1., 2. and 3. and
11 457.22 (1) (b), (c) and (d) of the statutes; **relating to:** regulating of social
12 workers, advanced practice social workers, independent social workers, clinical
13 social workers, marriage and family therapists, and professional counselors
14 and granting rule-making authority.

Analysis by the Legislative Reference Bureau

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 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 and changes the titles “independent clinical social worker”, “marriage and family therapist” and

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“professional counselor” to “clinical social worker”, “clinical marriage and family therapist” and “clinical professional counselor”. The bill eliminates the sections of the examining board under current law, and creates instead a certification section and a licensure section. The bill also changes the name of the examining board to the social work, marriage and family therapy and professional counseling 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. In addition, the bill prohibits persons who are not licensed under the bill from practicing psychotherapy, except for persons certified as advanced practice and independent social workers who practice psychotherapy under the supervision of persons licensed under the bill and except for persons who practice psychotherapy within the scope of practice of other state or federal licenses.

The eligibility requirements for a clinical social worker, marriage and family therapist or professional counselor license under the bill are the same as the requirements for a certificate under current law, except for the requirement that an applicant must have two full years of supervised clinical experience approved by the examining board. Under this bill, this experience must be supervised by an individual who holds the same license for which the applicant is applying and who has: 1) a doctorate degree; 2) a master’s degree and five years of clinical practice; or 3) comparable educational or practical experience specified in rules promulgated by the examining board.

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 the examining board to promulgate rules 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.

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2. The bill allows the examining board to promulgate professional conduct and continuing education requirements upon the advice of the members of the examining board who are certified or licensed under the bill.

3. The bill changes the name of the social worker and professional counselor training “certificates” that may be issued under current law to training “permits”, but does not make any other changes regarding these certificates under current law.

4. The bill creates a clinical marriage and family therapist training permit.

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

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

1 **SECTION 1.** 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, occupational therapy examining council, respiratory care
5 practitioners examining council and council on physician assistants, the board of
6 nursing, the nursing home administrator examining board, the veterinary
7 examining board, the optometry examining board, the pharmacy examining board,
8 the social work, marriage and family therapy and professional counseling examining
9 board of ~~social workers, marriage and family therapists and professional counselors~~
10 and the psychology examining board shall not be engaged in any profession or
11 occupation concerned with the delivery of 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) SOCIAL WORK, MARRIAGE AND FAMILY THERAPY AND PROFESSIONAL
14 COUNSELING EXAMINING BOARD.

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

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1 15.405 (7c) (a) (intro.) There is created ~~an~~ a social work, marriage and family
2 therapy and professional counseling examining board of ~~social workers, marriage~~
3 ~~and family therapists and professional counselors~~ in the department of regulation
4 and licensing. ~~The~~ consisting of the following members of the ~~examining board shall~~
5 be appointed for 4-year terms. ~~Four~~;

6 1. Three members shall be who are certified under ch. 457 as social workers.

7 ~~Three members shall be certified under ch. 457 as~~

8 3. Two clinical marriage and family therapists. ~~Three~~ therapist members shall
9 be certified under ch. 457 as who are licensed under ch. 457.

10 4. Two clinical professional counselors. ~~Three members shall be~~ counselor
11 members who are licensed under ch. 457.

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

15 (am) The 3 members appointed under par. (a) 1. shall consist of the following:

16 1. One member who is certified under ch. 457 as an advanced practice social
17 worker, ~~one shall be,~~

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

20 3. At least one shall be member who is employed as a social worker by a federal,
21 state or local governmental agency.

22 **SECTION 4.** 15.405 (7c) (a) 2. of the statutes is created to read:

23 15.405 (7c) (a) 2. Two clinical social worker members who are licensed under
24 ch. 457.

25 **SECTION 5.** 15.405 (7c) (b) of the statutes is repealed and recreated to read:

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1 15.405 (7c) (b) In operation, the examining board shall be divided into a
2 certification section and a licensure section. The certification section shall consist
3 of the members of the examining board appointed under par. (a) 1. and one of the
4 public members of the examining board. The licensure section shall consist of the
5 members of the examining board appointed under par. (a) 2., 3. and 4. and the public
6 members of the examining board, including the public member who is also a member
7 of the certification section.

8 **SECTION 6.** 15.405 (7c) (c) of the statutes is repealed and recreated to read:

9 15.405 (7c) (c) All matters pertaining to granting, denying, limiting,
10 suspending or revoking a certificate under ch. 457 shall be acted upon solely by the
11 certification section of the examining board and all matters pertaining to granting,
12 denying, limiting, suspending or revoking a license under ch. 457 shall be acted upon
13 solely by the licensure section of the examining board.

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

15 15.405 (7c) (d) All matters that the examining board determines are of joint
16 interest shall be considered by joint meetings of ~~all~~ both sections of the examining
17 board ~~or of those sections to which the problem is of interest.~~

18 **SECTION 8.** 15.405 (7c) (e) of the statutes is amended to read:

19 15.405 (7c) (e) Notwithstanding s. 15.08 (4) (a), at a joint meeting of ~~all~~ both
20 sections of the examining board, a majority of the examining board constitutes a
21 quorum to do business only if at least 8 members are present at the meeting. At a
22 meeting of a section of the examining board or a joint meeting of ~~2 or more of the~~ both
23 sections of the examining board, each member who is present has one vote, except
24 as provided in par. (f).

25 **SECTION 9.** 15.405 (7c) (f) of the statutes is amended to read:

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1 15.405 (7c) (f) At a joint meeting of ~~the social worker section and one or both~~
2 of the other both sections of the examining board, each member who is present has
3 one vote, except that the ~~social worker~~ nonpublic members of the certification section
4 each have ~~three-fourths~~ two-thirds of a vote if all ~~4~~ 3 of those members are present.

5 **SECTION 10.** 48.981 (2) of the statutes is amended to read:

6 48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical
7 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or
8 mental health professional, social worker, clinical marriage and family therapist,
9 clinical professional counselor, public assistance worker, including a financial and
10 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or
11 counselor, mediator under s. 767.11, child care worker in a day care center or child
12 caring institution, day care provider, alcohol or other drug abuse counselor, member
13 of the treatment staff employed by or working under contract with a county
14 department under s. 46.23, 51.42 or 51.437, physical therapist, occupational
15 therapist, dietitian, speech-language pathologist, audiologist, emergency medical
16 technician or police or law enforcement officer having reasonable cause to suspect
17 that a child seen in the course of professional duties has been abused or neglected
18 or having reason to believe that a child seen in the course of professional duties has
19 been threatened with abuse or neglect and that abuse or neglect of the child will occur
20 shall, except as provided under sub. (2m), report as provided in sub. (3). Any other
21 person, including an attorney, having reason to suspect that a child has been abused
22 or neglected or reason to believe that a child has been threatened with abuse or
23 neglect and that abuse or neglect of the child will occur may make such a report. Any
24 person, including an attorney having reason to suspect that an unborn child has been
25 abused or reason to believe that an unborn child is at substantial risk of abuse may

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1 report as provided in sub. (3). No person making a report under this subsection may
2 be discharged from employment for so doing.

3 **SECTION 11.** 146.81 (1) (hg) of the statutes is amended to read:

4 146.81 (1) (hg) A social worker, clinical marriage and family therapist or
5 clinical professional counselor certified or licensed under ch. 457.

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

7 180.1901 (1m) (f) ~~Examining Social work, marriage and family therapy and~~
8 ~~professional counseling examining~~ board of social workers, marriage and family
9 therapists and professional counselors under ch. 457.

10 **SECTION 13.** 252.10 (7) of the statutes is amended to read:

11 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis
12 shall be purchased by the department from the appropriation under s. 20.435 (5) (e)
13 and dispensed to patients through the public health dispensaries or through health
14 care providers, as defined in s. 146.81 (1), other than massage therapists or
15 bodyworkers issued a license of registration under subch. x of ch. 440, social workers,
16 clinical marriage and family therapists or clinical professional counselors certified
17 or licensed under ch. 457, speech–language pathologists or audiologists licensed
18 under subch. II of ch. 459, speech and language pathologists licensed by the
19 department of public instruction or dietitians certified under subch. V of ch. 448.

20 **SECTION 14.** 252.14 (1) (ar) 7. of the statutes is amended to read:

21 252.14 (1) (ar) 7. A social worker, clinical marriage and family therapist or
22 clinical professional counselor certified or licensed under ch. 457.

23 **SECTION 15.** 440.08 (2) (a) 46m. of the statutes is amended to read:

24 440.08 (2) (a) 46m. Marriage Clinical marriage and family therapist: July 1
25 of each odd–numbered year; \$66.

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1 resources, advocacy, facilitation of organizational change to meet social needs and
2 individual, marital or group psychotherapy.

3 **SECTION 23.** 457.01 (1s) of the statutes is created to read:

4 457.01 (1s) “Clinical social worker” means an individual who holds a license
5 to practice clinical social work granted by the licensure section.

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

7 457.01 (1w) “Credential” means a license, certificate or permit granted under
8 this chapter.

9 **SECTION 25.** 457.01 (2) of the statutes is amended to read:

10 457.01 (2) “Examining board” means the social work, marriage and family
11 therapy and professional counseling examining board ~~of social workers, marriage~~
12 ~~and family therapists and professional counselors.~~

13 **SECTION 26.** 457.01 (2g) of the statutes is created to read:

14 457.01 (2g) “Independent social worker” means an individual who holds an
15 independent social worker certificate granted by the certification section.

16 **SECTION 27.** 457.01 (2r) of the statutes is created to read:

17 457.01 (2r) “Licensee” means a person who is licensed under this chapter.

18 **SECTION 28.** 457.01 (2w) of the statutes is created to read:

19 457.01 (2w) “Licensure section” means the licensure section of the examining
20 board.

21 **SECTION 29.** 457.01 (3) of the statutes is renumbered 457.01 (1p) and amended
22 to read:

23 457.01 (1p) “Marriage Clinical marriage and family therapist” means an
24 individual who ~~practices~~ holds a license to practice marriage and family therapy
25 granted by the licensure section.

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1 **SECTION 30.** 457.01 (4) of the statutes is repealed.

2 **SECTION 31.** 457.01 (7) of the statutes is renumbered 457.01 (1q) and amended
3 to read:

4 457.01 **(1q)** “~~Professional~~ Clinical professional counselor” means an individual
5 who ~~practices~~ holds a license to practice professional counseling granted by the
6 licensure section.

7 **SECTION 32.** 457.01 (8) of the statutes is repealed.

8 **SECTION 33.** 457.01 (8m) of the statutes is repealed and recreated to read:

9 457.01 **(8m)** “Psychotherapy” means the treatment, diagnosis, testing,
10 assessment or counseling in a professional relationship to assist individuals or
11 groups in alleviating mental or emotional disorders, understanding unconscious or
12 conscious motivation, resolving emotional, relationship or attitudinal conflicts or
13 modifying behavior that interferes with effective emotional, social or intellectual
14 functioning.

15 **SECTION 34.** 457.01 (9) of the statutes is amended to read:

16 457.01 **(9)** “Social work” means applying psychosocial, ~~psychotherapeutic~~ or
17 counseling principles, methods or procedures in the assessment, evaluation, or
18 psychosocial ~~or psychotherapeutic~~ diagnosis, prevention, treatment or resolution of
19 a difficulty in the social, psychological, personal, emotional or mental ~~disorder~~
20 functioning of an individual, couple, family, group of individuals or community,
21 including the enhancement or restoration of, or the creation of societal conditions
22 favorable to the enhancement or restoration of, the capacity of an individual, couple,
23 family, group of individuals or community for social functioning or the delivery of
24 services to a group of individuals or a community to assist the group or community
25 in providing or improving the provision of social or health services to others.

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1 **SECTION 35.** 457.01 (10) of the statutes is amended to read:

2 457.01 **(10)** “Social worker” means an individual who ~~practices~~ holds a social
3 work worker certificate granted by the certification section.

4 **SECTION 36.** 457.01 (11) of the statutes is repealed.

5 **SECTION 37.** 457.02 (1) to (5) of the statutes are amended to read:

6 457.02 **(1)** Require any individual to be certified or licensed under this chapter
7 in order to use the title “pastoral counselor”, “investment counselor”, “vocational
8 counselor”, “career counselor”, “alcohol and drug counselor” ~~or~~ “chemical
9 dependency counselor” or “employe assistance counselor”, or to engage in such
10 counseling, if the individual does not use any other title or designation that
11 represents or may tend to represent that he or she is certified or licensed under this
12 chapter, and does not represent himself or herself as an individual who engages in
13 social work, advanced practice social work, independent social work, clinical social
14 work, clinical marriage and family therapy or clinical professional counseling.

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

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

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1 marriage and family therapist”, “marriage and family therapist”, “marriage and
2 family counselor”, “clinical professional counselor” or “professional counselor”.

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

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

12 **SECTION 38.** 457.02 (6) of the statutes is created to read:

13 457.02 (6) Require a credential for a person to do any of the following:

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

17 (b) Provide a consultation or demonstration with an individual licensed under
18 this chapter if the person providing the consultation or demonstration is licensed to
19 practice marriage and family therapy, professional counseling or clinical social work
20 in another state or territory of the United States.

21 **SECTION 39.** 457.03 of the statutes is renumbered 457.03 (1), and 457.03 (1) (a),
22 (b) and (c), as renumbered, are amended to read:

23 457.03 (1) (a) Upon the advice of the ~~social worker certification~~ section,
24 ~~marriage and family therapist~~ section and ~~professional counselor~~ section,
25 promulgate rules establishing minimum standards for educational programs that

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1 must be completed for certification under this chapter ~~and for supervised clinical~~
2 ~~training that must be completed for certification as an independent clinical social~~
3 ~~worker, marriage and family therapist or professional counselor under this chapter~~
4 and approve educational programs and supervised clinical training programs in
5 accordance with those standards.

6 (b) Upon the advice of the ~~social worker~~ certification section, ~~marriage and~~
7 ~~family therapist section and professional counselor section,~~ promulgate rules
8 establishing a code of ethics to govern the professional conduct of certificate holders.
9 The rules shall specify the services included within the practice of social work,
10 advanced practice social work or independent social work that an individual who is
11 certified under this chapter as a social worker, advanced practice social worker, or
12 independent social worker ~~or independent clinical social worker is qualified to~~ may
13 perform and the degree of supervision, if any, required to perform those services. ~~The~~
14 ~~rules may not permit a certificate holder to engage in psychotherapy unless the~~
15 ~~individual is certified under this chapter as an advanced practice social worker,~~
16 ~~independent social worker, independent clinical social worker, marriage and family~~
17 ~~therapist or professional counselor and has engaged in the equivalent of at least 2~~
18 ~~years of full-time supervised social work, marriage and family therapy or~~
19 ~~professional counseling clinical practice after receiving the master's or doctorate~~
20 ~~degree required under s. 457.08 (3) (b) or (4) (b), 457.10 (2) or 457.12 (2).~~

21 (c) Upon the advice of the ~~social worker~~ certification section, promulgate rules
22 establishing levels of advanced social work practice, in addition to the levels of
23 practice for which certificates are granted under s. 457.08 (2) ~~to (4)~~ and (3), and
24 establishing appropriate educational, training, experience, examination and
25 continuing education requirements for certification and renewal of a certificate at

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1 each level of practice established in rules promulgated under this subsection
2 paragraph.

3 **SECTION 40.** 457.03 (1), (ae), (am) and (as) of the statutes are created to read:

4 457.03 (1) (ae) Upon the advice of the members of the licensure section who are
5 clinical social workers, promulgate rules establishing minimum standards for
6 educational programs that must be completed for licensure as clinical social workers
7 under this chapter and approve educational programs in accordance with those
8 standards.

9 (am) Upon the advice of the members of the licensure section who are clinical
10 marriage and family therapists, promulgate rules establishing minimum standards
11 for educational programs that must be completed for licensure as clinical marriage
12 and family therapists under this chapter and approve educational programs in
13 accordance with those standards.

14 (as) Upon the advice of the members of the licensure section who are clinical
15 professional counselors, promulgate rules establishing minimum standards for
16 educational programs that must be completed for licensure as clinical professional
17 counselors under this chapter and approve educational programs in accordance with
18 those standards.

19 **SECTION 41.** 457.03 (1) (be), (bm) and (bs) of the statutes are created to read:

20 457.03 (1) (be) Upon the advice of the members of the licensure section who are
21 clinical social workers, promulgate rules establishing a code of ethics to govern the
22 professional conduct of clinical social workers.

23 (bm) Upon the advice of the members of the licensure section who are clinical
24 marriage and family therapists, promulgate rules establishing a code of ethics to
25 govern the professional conduct of clinical marriage and family therapists.

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1 (bs) Upon the advice of the members of the licensure section who are clinical
2 professional counselors, promulgate rules establishing a code of ethics to govern the
3 professional conduct of clinical professional counselors.

4 **SECTION 42.** 457.03 (1) (d) and (e) of the statutes are created to read:

5 457.03 (1) (d) Promulgate rules that specify the different levels of psychometric
6 testing that an individual who is certified or licensed under this chapter is qualified
7 to perform. A certificate holder or licensee may not engage in psychometric testing
8 except as provided under the rules promulgated under this paragraph.

9 (e) Promulgate rules establishing the educational and practice requirements
10 that are specified in ss. 457.08 (4) (c) 3., 457.10 (3) (c) and 457.12 (3) (a) 3. and (b) 3.

11 **SECTION 43.** 457.03 (1) (f) of the statutes is created to read:

12 457.03 (1) (f) Study the need to allow other health care professionals to practice
13 psychotherapy. If the examining board determines that there is a need for such
14 authority, the examining board shall submit to the chief clerk of each house of the
15 legislature for distribution to the appropriate standing committees under s. 13.172
16 (3) a report that includes any proposals for legislation.

17 **SECTION 44.** 457.03 (2m) of the statutes is created to read:

18 **457.03 (2m)** The examining board may not promulgate rules under sub. (1)
19 that permit an individual to engage in psychotherapy unless one of the following
20 applies:

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

23 (b) The individual is certified as an advanced practice or independent social
24 worker and the individual engages in psychotherapy only under the supervision of
25 a clinical social worker who is licensed under this chapter.

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1 **SECTION 45.** 457.04 (1) to (4) of the statutes are amended to read:

2 457.04 (1) Use Designate himself or herself as a social worker or use or assume
3 the title “social worker” or any other title or designation that represents or may tend
4 to represent the person as a social worker unless the person is certified as a social
5 worker under this chapter.

6 (2) Use Designate himself or herself as an advanced practice social worker or
7 use or assume the title “advanced practice social worker” or any other title or
8 designation that represents or may tend to represent the person as an advanced
9 practice social worker unless the person is certified or licensed as an advanced
10 practice social worker, independent social worker or ~~independent~~ clinical social
11 worker under this chapter.

12 (3) Use Designate himself or herself as an independent social worker or use or
13 assume the title “independent social worker” or any other title or designation that
14 represents or may tend to represent the person as an independent social worker
15 unless the person is certified or licensed as an independent social worker or
16 ~~independent~~ clinical social worker under this chapter.

17 (4) Use Practice clinical social work or designate himself or herself as a clinical
18 social worker or use or assume the title “~~independent clinical social worker~~” or
19 “clinical social worker” or any other title or designation that represents or may tend
20 to represent the person as a clinical social worker unless the person is certified
21 licensed as an independent a clinical social worker under this chapter.

22 **SECTION 46.** 457.04 (5) of the statutes is amended to read:

23 457.04 (5) Use Practice marriage and family therapy or designate himself or
24 herself as a clinical marriage and family therapist or marriage and family therapist
25 or use or assume the title “clinical marriage and family therapist”, “marriage and

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1 family therapist”, “marriage and family counselor” or any ~~similar~~ other title or
2 designation that represents or may tend to represent the person as a clinical
3 marriage and family therapist unless any of the following applies:

4 (a) The person is ~~certified~~ licensed as a clinical marriage and family therapist
5 under this chapter.

6 (b) The person is ~~certified~~ licensed as ~~an independent~~ a clinical social worker
7 under this chapter and initially became certified as an independent clinical social
8 worker under ~~this chapter~~ ch. 457, 1997 stats., on or before May 31, 1995.

9 **SECTION 47.** 457.04 (6) of the statutes is amended to read:

10 457.04 (6) Use Practice professional counseling or designate himself or herself
11 as a clinical professional counselor or professional counselor or use or assume the
12 title “clinical professional counselor”, “professional counselor”, “professional
13 rehabilitation counselor”, “vocational rehabilitation counselor” or “rehabilitation
14 counselor” or any similar other title or designation that represents or may tend to
15 represent the person as a clinical professional counselor unless the person is ~~certified~~
16 licensed as a clinical professional counselor under this chapter.

17 **SECTION 48.** 457.04 (7) of the statutes is created to read:

18 457.04 (7) Practice psychotherapy unless the person is licensed under this
19 chapter or unless the person is a certificate holder who may practice psychotherapy
20 under the rules promulgated under s. 457.03 (1) and (2m).

21 **SECTION 49.** 457.06 (intro.) and (1) of the statutes are amended to read:

22 **457.06 General requirements for certification or licensure.** (intro.) The
23 ~~social worker section, marriage and family therapist section or professional~~
24 ~~counselor~~ certification or licensure section may not grant any certificate or license
25 under this chapter unless the applicant does all of the following:

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

3 **SECTION 50.** 457.08 (title) of the statutes is amended to read:

4 **457.08** (title) **Social worker certificate and advanced practice**
5 **certificates and licenses.**

6 **SECTION 51.** 457.08 (1) (intro.) of the statutes is amended to read:

7 457.08 **(1)** SOCIAL WORKER CERTIFICATE. (intro.) The ~~social worker~~ certification
8 section shall grant a social worker certificate to an individual who qualifies under
9 s. 457.09 (5) (d) or to any individual who does all of the following:

10 **SECTION 52.** 457.08 (1) (b) of the statutes is amended to read:

11 457.08 **(1)** (b) Submits evidence satisfactory to the ~~social worker~~ certification
12 section that he or she has received a bachelor's or master's degree in social work from
13 a program accredited by, or a preaccreditation program of, the council on social work
14 education or a doctorate degree in social work.

15 **SECTION 53.** 457.08 (1) (c) of the statutes is amended to read:

16 457.08 **(1)** (c) Passes an examination approved by the ~~social worker~~
17 certification section to determine minimum competence to practice as a social worker
18 as specified in the rules promulgated under s. 457.03 ~~(2)~~ (1) (b).

19 **SECTION 54.** 457.08 (2) (intro.) of the statutes is amended to read:

20 457.08 **(2)** ADVANCED PRACTICE SOCIAL WORKER CERTIFICATE. (intro.) The ~~social~~
21 ~~worker~~ certification section shall grant an advanced practice social worker
22 certificate to any individual who is certified under sub. (1) and does all of the
23 following:

24 **SECTION 55.** 457.08 (2) (b) of the statutes is amended to read:

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1 457.08 (2) (b) Submits evidence satisfactory to the ~~social worker~~ certification
2 section that he or she has received a master's degree in social work from a program
3 accredited by, or a preaccreditation program of, the council on social work education
4 or a doctorate degree in social work.

5 **SECTION 56.** 457.08 (2) (c) of the statutes is amended to read:

6 457.08 (2) (c) Passes an examination approved by the ~~social worker~~
7 certification section to determine minimum competence to practice as an advanced
8 practice social worker as specified in the rules promulgated under s. 457.03 (2) (1)
9 (b).

10 **SECTION 57.** 457.08 (3) (intro.) of the statutes is amended to read:

11 457.08 (3) INDEPENDENT SOCIAL WORKER CERTIFICATE. (intro.) The ~~social worker~~
12 certification section shall grant an independent social worker certificate to any
13 individual who is certified under sub. (1) and does all of the following:

14 **SECTION 58.** 457.08 (3) (b) of the statutes is amended to read:

15 457.08 (3) (b) Submits evidence satisfactory to the ~~social worker~~ certification
16 section that he or she has received a master's degree in social work from a program
17 accredited by, or a preaccreditation program of, the council on social work education
18 or a doctorate degree in social work.

19 **SECTION 59.** 457.08 (3) (c) of the statutes is amended to read:

20 457.08 (3) (c) Submits evidence satisfactory to the ~~social worker~~ certification
21 section that after receiving a master's or doctorate degree in social work he or she has
22 engaged in the equivalent of at least 2 years of full-time supervised social work
23 practice approved by the ~~social worker~~ certification section.

24 **SECTION 60.** 457.08 (3) (d) of the statutes is amended to read:

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1 457.08 (3) (d) Passes an examination approved by the ~~social worker~~
2 certification section to determine minimum competence to practice as an
3 independent social worker as specified in the rules promulgated under s. 457.03 ~~(2)~~
4 (1) (b) or passes the academy of certified social workers examination administered
5 by the national association of social workers.

6 **SECTION 61.** 457.08 (4) (intro.) of the statutes is amended to read:

7 457.08 (4) ~~INDEPENDENT CLINICAL~~ CLINICAL SOCIAL WORKER CERTIFICATE LICENSE.
8 (intro.) The ~~social worker licensure~~ section shall grant ~~an independent a~~ clinical
9 social worker certificate license to any individual who is certified under sub. (1) and
10 does all of the following:

11 **SECTION 62.** 457.08 (4) (b) of the statutes is amended to read:

12 457.08 (4) (b) Submits evidence satisfactory to the ~~social worker~~ licensure
13 section that he or she has received a master's degree in social work from a program
14 accredited by, or a preaccreditation program of, the council on social work education
15 or a doctorate degree in social work and, as part of the master's or doctorate degree
16 program, had a clinical social work concentration and completed supervised clinical
17 field training.

18 **SECTION 63.** 457.08 (4) (c) of the statutes is renumbered 457.08 (4) (c) (intro.)
19 and amended to read:

20 457.08 (4) (c) (intro.) Submits evidence satisfactory to the ~~social worker~~
21 licensure section that after receiving a master's or doctorate degree in social work he
22 or she has engaged in the equivalent of at least 2 years of full-time supervised
23 clinical social work practice ~~approved by the social worker section.~~ supervised by one
24 of the following:

25 **SECTION 64.** 457.08 (4) (c) 1., 2. and 3. of the statutes are created to read:

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1 457.08 (4) (c) 1. An individual licensed as a clinical social worker who has
2 received a doctorate degree in social work.

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

5 3. An individual licensed as a clinical social worker who satisfies educational
6 or practice requirements that are comparable to the requirements under subd. 1. or
7 2. and that are established in rules promulgated under s. 457.03 (1) (e).

8 **SECTION 65.** 457.08 (4) (d) of the statutes is amended to read:

9 457.08 (4) (d) Passes an examination approved by the ~~social worker~~ licensure
10 section to determine minimum competence to practice as ~~an independent a~~ a clinical
11 social worker ~~as specified in the rules promulgated under s. 457.03 (2)~~ or passes an
12 advanced a clinical social work examination approved by the ~~social worker~~ licensure
13 section.

14 **SECTION 66.** 457.09 (title) and (1) (intro.) and (a) of the statutes are amended
15 to read:

16 **457.09 (title) Social worker training certificate permit. (1)** (intro.) The
17 ~~social worker~~ certification section shall grant a social worker training certificate
18 permit to any individual who does all of the following:

19 (a) Submits an application for the ~~certificate~~ permit to the department on a
20 form provided by the department.

21 **SECTION 67.** 457.09 (1) (c) of the statutes is amended to read:

22 457.09 (1) (c) Submits evidence satisfactory to the ~~social worker~~ certification
23 section that he or she has a bachelor's degree from an accredited college or university
24 in psychology, sociology, criminal justice or another human service program
25 approved by the section.

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1 **SECTION 68.** 457.09 (1) (d) of the statutes is amended to read:

2 457.09 **(1)** (d) Submits a statement to the ~~social worker~~ certification section
3 that he or she is seeking to attain social worker degree equivalency under sub. (4)
4 while he or she holds a social worker training ~~certificate~~ permit.

5 **SECTION 69.** 457.09 (2) of the statutes is amended to read:

6 457.09 **(2)** (a) ~~A~~ Notwithstanding s. 457.04 (1), a social worker training
7 ~~certificate~~ permit authorizes the holder to use the title specified in s. 457.04 (1)
8 during the period in which the ~~certificate~~ permit is valid.

9 (b) A social worker training ~~certificate~~ permit holder is a social worker certified
10 under this chapter for purposes of any law governing social workers certified under
11 this chapter.

12 **SECTION 70.** 457.09 (3) of the statutes is amended to read:

13 457.09 **(3)** (a) Except as provided in par. (b), a social worker training ~~certificate~~
14 permit is valid for 24 months.

15 (b) A social worker training ~~certificate~~ permit shall expire on the date on which
16 the ~~certificate~~ permit holder receives the results of the examination that he or she
17 has taken under sub. (5) (a) if that date occurs before the end of the period specified
18 in par. (a).

19 (c) A social worker training ~~certificate~~ permit may not be renewed.

20 **SECTION 71.** 457.09 (4) (intro.) of the statutes is amended to read:

21 457.09 **(4)** (intro.) During the period in which a social worker training
22 ~~certificate~~ permit is valid, the ~~certificate~~ permit holder shall do all of the following:

23 **SECTION 72.** 457.09 (4m) of the statutes is amended to read:

24 457.09 **(4m)** (a) The ~~social worker~~ certification section shall determine whether
25 a course, internship or employment satisfies the requirements under sub. (4) and

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1 whether a social worker training ~~certificate~~ permit holder has attained social worker
2 degree equivalency.

3 (b) Notwithstanding sub. (4), for the purpose of determining whether a social
4 worker training ~~certificate~~ permit holder has attained social worker degree
5 equivalency under sub. (4), the section shall apply course work or internships that
6 the ~~certificate~~ permit holder completed, or employment that the ~~certificate~~ permit
7 holder held, as part of the program leading to the degree that he or she specified to
8 satisfy the requirement in sub. (1) (c) if the course work, internship or employment
9 satisfies the requirements in sub. (4).

10 **SECTION 73.** 457.09 (5) of the statutes is amended to read:

11 457.09 (5) (a) A social worker training ~~certificate~~ permit holder may take the
12 national social work examination at any time after he or she completes the
13 requirements under sub. (4).

14 (b) If a social worker training ~~certificate~~ permit holder passes the examination
15 specified under par. (a), he or she shall be permitted to take an examination approved
16 by the ~~social worker certification~~ section that tests knowledge of state law relating
17 to social work.

18 (c) If an individual fails an examination specified under par. (a) or (b), he or she
19 may retake the examination. The ~~social worker certification~~ section may not place
20 any restrictions on the number of times an individual may retake the examinations
21 specified under pars. (a) and (b).

22 (d) The ~~social worker certification~~ section shall grant a social worker certificate
23 to an individual who has held a social worker training ~~certificate~~ permit and who
24 passes the examinations specified under pars. (a) and (b).

25 **SECTION 74.** 457.10 (intro.) of the statutes is amended to read:

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1 **457.10 Marriage Clinical marriage and family therapist certificate**
2 **license.** (intro.) The marriage and family therapist licensure section shall grant a
3 clinical marriage and family therapist certificate license to any individual who does
4 all of the following:

5 **SECTION 75.** 457.10 (2) (intro.) of the statutes is amended to read:

6 457.10 (2) (intro.) Submits evidence satisfactory to the ~~marriage and family~~
7 ~~therapist~~ licensure section that he or she has done any of the following:

8 **SECTION 76.** 457.10 (2) (b) of the statutes is amended to read:

9 457.10 (2) (b) Received a master's or doctorate degree in marriage and family
10 therapy, psychology, sociology, social work, professional counseling or other mental
11 health field that included course work that the ~~marriage and family therapist~~
12 licensure section determines is substantially equivalent to the course work required
13 for a master's or doctorate degree in marriage and family therapy described under
14 par. (a).

15 **SECTION 77.** 457.10 (3) of the statutes is renumbered 457.10 (3) (intro.) and
16 amended to read:

17 457.10 (3) (intro.) Submits evidence satisfactory to the ~~marriage and family~~
18 ~~therapist~~ licensure section that after receiving a master's or doctorate degree
19 required under sub. (2) he or she has engaged in the equivalent of at least 2 years of
20 full-time supervised clinical marriage and family therapy practice ~~approved by the~~
21 ~~marriage and family therapist section.~~ supervised by one of the following:

22 **SECTION 78.** 457.10 (3) (a), (b) and (c) of the statutes are created to read:

23 457.10 (3) (a) An individual licensed as a clinical marriage and family therapist
24 who has received a doctorate degree in marriage and family therapy.

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1 (b) An individual licensed as a clinical marriage and family therapist who has
2 engaged in the equivalent of 5 years of full-time clinical marriage and family therapy
3 practice.

4 (c) An individual licensed as a clinical marriage and family therapist who
5 satisfies educational or practice requirements that are comparable to the
6 requirements under par. (a) or (b) and that are established in rules promulgated
7 under s. 457.03 (1) (e).

8 **SECTION 79.** 457.10 (4) of the statutes is amended to read:

9 457.10 (4) Passes an examination approved by the ~~marriage and family~~
10 ~~therapist licensure~~ section to determine minimum competence to practice marriage
11 and family therapy.

12 **SECTION 80.** 457.11 of the statutes is created to read:

13 **457.11 Clinical marriage and family therapist training permit. (1)** The
14 licensure section shall grant a clinical marriage and family therapist training permit
15 to any individual who does all of the following:

16 (a) Submits an application for the permit to the department on a form provided
17 by the department.

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

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

20 (d) Submits evidence satisfactory to the licensure section that he or she is
21 employed full-time, or has an offer of full-time employment, as a clinical and family
22 therapist in a supervised clinical marriage and family therapist practice or in a
23 position in which the applicant will, in the opinion of the licensure section, receive
24 training and supervision equivalent to the training and supervision received in a
25 full-time supervised clinical marriage and family therapist practice.

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1 **(2)** A clinical marriage and family therapist training permit is valid for 24
2 months or until the date on which the holder of the permit ceases to be employed in
3 a position specified in sub. (1) (d), whichever occurs first, and may not be renewed
4 by the licensure section. A clinical marriage and family therapist training permit
5 authorizes the holder to use any title specified in s. 457.04 (5) during the period in
6 which the permit is valid.

7 **SECTION 81.** 457.12 (intro.) of the statutes is amended to read:

8 **457.12 Professional Clinical professional counselor certificate license.**

9 (intro.) The ~~professional counselor~~ licensure section shall grant a clinical
10 professional counselor ~~certificate~~ license to any individual who does all of the
11 following:

12 **SECTION 82.** 457.12 (2) of the statutes is amended to read:

13 457.12 **(2)** Submits evidence satisfactory to the ~~professional counselor~~
14 licensure section that he or she has received a master's or doctorate degree in
15 professional counseling or its equivalent from a program approved by the
16 ~~professional counselor~~ licensure section.

17 **SECTION 83.** 457.12 (3) (intro.) of the statutes is amended to read:

18 457.12 **(3)** (intro.) Submits evidence satisfactory to the ~~professional counselor~~
19 licensure section that he or she has done any of the following:

20 **SECTION 84.** 457.12 (3) (a) of the statutes is renumbered 457.12 (3) (a) (intro.)
21 and amended to read:

22 457.12 **(3)** (a) (intro.) After receiving a master's degree in professional
23 counseling or its equivalent, engaged in the equivalent of at least 2 years of full-time
24 supervised clinical professional counseling practice ~~approved by the professional~~
25 ~~counselor section.~~ supervised by one of the following:

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1 **SECTION 85.** 457.12 (3) (a) 1., 2. and 3. of the statutes are created to read:

2 457.12 **(3)** (a) 1. An individual licensed as a clinical professional counselor who
3 has received a doctorate degree in professional counseling.

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

6 3. An individual licensed as a clinical professional counselor who satisfies
7 educational or practice requirements that are comparable to the requirements under
8 subd. 1. or 2. and that are established in rules promulgated under s. 457.03 (1) (e).

9 **SECTION 86.** 457.12 (3) (b) of the statutes is renumbered 457.12 (3) (b) (intro.)
10 and amended to read:

11 457.12 **(3)** (b) (intro.) After receiving a doctorate degree in professional
12 counseling or its equivalent, engaged in the equivalent of at least one year of
13 full-time supervised clinical professional counseling practice ~~approved by the~~
14 ~~professional counselor section.~~ supervised by one of the following:

15 **SECTION 87.** 457.12 (3) (b) 1., 2. and 3. of the statutes are created to read:

16 457.12 **(3)** (b) 1. An individual licensed as a clinical professional counselor who
17 has received a doctorate degree in professional counseling.

18 2. An individual licensed as a clinical professional counselor who has engaged
19 in the equivalent of 5 years of full-time clinical professional counseling practice.

20 3. An individual licensed as a clinical professional counselor who satisfies
21 educational or practice requirements that are comparable to the requirements under
22 subd. 1. or 2. and that are established in rules promulgated under s. 457.03 (1) (e).

23 **SECTION 88.** 457.12 (4) of the statutes is amended to read:

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1 457.12 ~~(4)~~ Passes an examination approved by the ~~professional counselor~~
2 licensure section to determine minimum competence to practice professional
3 counseling.

4 **SECTION 89.** 457.13 (title) and (1) (intro.) and (a) of the statutes are amended
5 to read:

6 **457.13** (title) **Professional Clinical professional counselor training**
7 **certificate permit.** **(1)** (intro.) The ~~professional counselor~~ licensure section shall
8 grant a clinical professional counselor training certificate permit to any individual
9 who does all of the following:

10 (a) Submits an application for the certificate permit to the department on a
11 form provided by the department.

12 **SECTION 90.** 457.13 (1) (d) of the statutes is amended to read:

13 457.13 **(1)** (d) Submits evidence satisfactory to the ~~professional counselor~~
14 licensure section that he or she is employed full-time, or has an offer of full-time
15 employment, as a clinical professional counselor in a supervised clinical professional
16 counseling practice or in a position in which the applicant will, in the opinion of the
17 ~~professional counselor~~ licensure section, receive training and supervision equivalent
18 to the training and supervision received in a full-time supervised clinical
19 professional counseling practice.

20 **SECTION 91.** 457.13 (2) of the statutes is amended to read:

21 457.13 **(2)** A clinical professional counselor training certificate permit is valid
22 for 24 months or until the date on which the holder of the certificate permit ceases
23 to be employed in a position specified in sub. (1) (d), whichever occurs first, and may
24 not be renewed by the ~~professional counselor~~ licensure section. ~~A- Notwithstanding~~
25 s. 457.04 (6), a clinical professional counselor training certificate permit authorizes

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1 the holder to use any title specified in s. 457.04 (6) and to practice professional
2 counseling within the scope of his or her training or supervision during the period
3 in which the certificate permit is valid.

4 **SECTION 92.** 457.14 of the statutes is amended to read:

5 **457.14 Temporary certificates and licenses.** Upon application and
6 payment of the fee specified in s. 440.05 (6), the appropriate section of the examining
7 board may grant a temporary social worker, advanced practice social worker,
8 independent social worker, clinical social worker, clinical marriage and family
9 therapist or clinical professional counselor certificate or license to any individual
10 who satisfies the requirements under s. 457.08 (1) (a) and (b), (2) (a) and (b), (3) (a)
11 to (c) or (4) (a) to (c), 457.10 (1) to (3) or 457.12 (1) to (3) and has submitted an
12 application to take the next available examination for certification or licensure
13 under s. 457.08 (1) (c), (2) (c), (3) (d) or (4) (d), 457.10 (4) or 457.12 (4). A temporary
14 certificate or license granted under this section is valid for a period designated by the
15 appropriate section of the examining board, not to exceed 9 months, and may be
16 renewed once by that section of the examining board.

17 **SECTION 93.** 457.15 (title) of the statutes is amended to read:

18 **457.15 (title) Reciprocal certificates and licenses.**

19 **SECTION 94.** 457.15 (1) (intro.), (a), (b) and (c) of the statutes are amended to
20 read:

21 457.15 (1) (intro.) Upon application and payment of the fee specified in s.
22 440.05 (2), the ~~social worker~~ certification section shall do all of the following:

23 (a) Grant a social worker certificate to any individual who holds a similar
24 certificate in another state or territory of the United States if the ~~social worker~~
25 certification section determines that the requirements for obtaining the certificate

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1 in the other state or territory are substantially equivalent to the requirements under
2 s. 457.08 (1).

3 (b) Grant an advanced practice social worker certificate to any individual who
4 is certified under par. (a) or under s. 457.08 (1) and who holds a similar certificate
5 in another state or territory of the United States if the ~~social worker~~ certification
6 section determines that the requirements for obtaining the certificate in the other
7 state or territory are substantially equivalent to the requirements under s. 457.08
8 (2).

9 (c) Grant an independent social worker certificate to any individual who is
10 certified under par. (a) or under s. 457.08 (1) and who holds a similar certificate in
11 another state or territory of the United States if the ~~social worker~~ certification
12 section determines that the requirements for obtaining the certificate in the other
13 state or territory are substantially equivalent to the requirements under s. 457.08
14 (3).

15 **SECTION 95.** 457.15 (1) (d) of the statutes is renumbered 457.15 (2) (a) and
16 amended to read:

17 457.15 (2) (a) Grant ~~an independent~~ a clinical social worker certificate to any
18 individual who is certified under ~~par. sub. (1)~~ (a) or under s. 457.08 (1) and who holds
19 a similar certificate in another state or territory of the United States if the ~~social~~
20 ~~worker~~ licensure section determines that the requirements for obtaining the
21 certificate in the other state or territory are substantially equivalent to the
22 requirements under s. 457.08 (4).

23 **SECTION 96.** 457.15 (2) of the statutes is renumbered 457.15 (2) (intro.) and
24 amended to read:

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1 457.15 (2) (intro.) Upon application and payment of the fee specified in s.
2 440.05 (2), the ~~marriage and family therapist licensure~~ section shall grant do all of
3 the following:

4 (b) Grant a clinical marriage and family therapist certificate to any individual
5 who holds a similar certificate in another state or territory of the United States if the
6 ~~marriage and family therapist licensure~~ section determines that the requirements
7 for obtaining the certificate in the other state or territory are substantially
8 equivalent to the requirements under s. 457.10.

9 **SECTION 97.** 457.15 (3) of the statutes is renumbered 457.15 (2) (c) and
10 amended to read:

11 457.15 (2) (c) ~~Upon application and payment of the fee specified in s. 440.05 (2),~~
12 ~~the professional counselor section shall grant~~ Grant a clinical professional counselor
13 certificate to any individual who holds a similar certificate in another state or
14 territory of the United States if the ~~professional counselor licensure~~ section
15 determines that the requirements for obtaining the certificate in the other state or
16 territory are substantially equivalent to the requirements under s. 457.12.

17 **SECTION 98.** 457.16 (1) of the statutes is amended to read:

18 457.16 (1) The appropriate section of the examining board shall arrange for
19 examinations for social worker, advanced practice social worker, independent social
20 worker, ~~independent clinical social worker,~~ clinical marriage and family therapist
21 and clinical professional counselor certification and licensure to be conducted at least
22 semiannually and at times and places determined by that section of the examining
23 board, and shall provide public notice of each examination at least 90 days before the
24 date of the examination.

25 **SECTION 99.** 457.16 (2) of the statutes is amended to read:

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1 457.16 (2) Examinations shall consist of written or oral tests, or both, requiring
2 applicants to demonstrate minimum competency in subjects substantially related to
3 the practice of social work, advanced practice social work, independent social work,
4 clinical social work, clinical marriage and family therapy or clinical professional
5 counseling, as appropriate.

6 **SECTION 100.** 457.16 (3) of the statutes is amended to read:

7 457.16 (3) An individual is not eligible for examination unless he or she
8 satisfies the requirements for certification or licensure under s. 457.08 (1) (a) and (b),
9 (2) (intro.), (a) and (b), (3) (intro.) and (a) to (c) or (4) (intro.) and (a) to (c), 457.10 (1)
10 to (3) or 457.12 (1) to (3) and, at least 30 days before the date of the examination,
11 submits an application for examination to the department on a form provided by the
12 department and pays the fee specified in s. 440.05 (1).

13 **SECTION 101.** 457.20 (1) and (2) of the statutes are amended to read:

14 457.20 (1) The department shall issue a certificate of certification or licensure
15 to each individual who is certified or licensed under this chapter.

16 (2) The renewal dates for certificates and licenses granted under this chapter,
17 other than ~~certificates granted under ss. 457.13 and 457.14~~ temporary certificates
18 and licenses, are specified under s. 440.08 (2) (a).

19 **SECTION 102.** 457.20 (3) (b) and (c) of the statutes are amended to read:

20 457.20 (3) (b) ~~Proof~~ If the application is for renewal of a certificate of
21 certification, proof of completion of continuing education requirements in s. 457.22.

22 (c) If the application is for renewal of a professional counselor ~~certificate~~ license
23 that was originally granted as a professional counselor certificate under 1991
24 Wisconsin Act 160, section 21 (2) (g), evidence satisfactory to the ~~professional~~
25 ~~counselor~~ licensure section that the applicant continues to be employed by a federal,

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1 state or local governmental agency as a professional counselor, professional
2 rehabilitation counselor, vocational rehabilitation counselor or rehabilitation
3 counselor.

4 **SECTION 103.** 457.20 (4) of the statutes is amended to read:

5 457.20 (4) Renewal of an advanced practice social worker, independent social
6 worker or ~~independent~~ clinical social worker certificate or license automatically
7 renews the individual's social worker certificate without payment of the renewal fee
8 for the social worker certificate or completion of the continuing education
9 requirements that would otherwise be required for renewal of a social worker
10 certificate.

11 **SECTION 104.** 457.22 of the statutes is renumbered 457.22 (1) (intro.) and
12 amended to read:

13 457.22 (1) (intro.) The examining board may ~~promulgate~~ do any of the
14 following:

15 (a) Upon the advice of the certification section, promulgate rules establishing
16 requirements and procedures for certificate holders to complete continuing
17 education programs or courses of study in order to qualify for renewal.

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

24 **SECTION 105.** 457.22 (1) (b), (c) and (d) of the statutes are created to read:

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1 457.22 (1) (b) Upon the advice of the members of the licensure section who are
2 clinical social workers, promulgate rules establishing requirements and procedures
3 for clinical social workers to complete continuing education programs or courses of
4 study in order to qualify for renewal.

5 (c) Upon the advice of the members of the licensure section who are clinical
6 marriage and family therapists, promulgate rules establishing requirements and
7 procedures for clinical marriage and family therapists to complete continuing
8 education programs or courses of study in order to qualify for renewal.

9 (d) Upon the advice of the members of the licensure section who are clinical
10 professional counselors, promulgate rules establishing requirements and
11 procedures for clinical professional counselors to complete continuing education
12 programs or courses of study in order to qualify for renewal.

13 **SECTION 106.** 457.25 of the statutes is amended to read:

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

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1 after the date on which the certificate credential holder terminates his or her
2 employment.

3 (2) Any state or local professional society or organization of social workers,
4 clinical marriage and family therapists or clinical professional counselors that
5 terminates, revokes or suspends the membership of a certificate credential holder,
6 or takes any other adverse or disciplinary action against a certificate credential
7 holder relating to his or her practice of social work, advanced practice social work,
8 independent social work, clinical social work, clinical marriage and family therapy
9 or clinical professional counseling, shall submit a written report of the action to the
10 appropriate section of the examining board within 30 days after the date on which
11 the action is taken or, if grounds for such an action exist and the certificate credential
12 holder terminates his or her membership before the action is taken, within 30 days
13 after the date on which the certificate credential holder terminates his or her
14 membership.

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

23 (4) Any circuit court that appoints a guardian of the person or estate of a
24 certificate credential holder or makes a judgment or other determination that a
25 certificate credential holder is mentally ill or mentally incompetent or that a

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1 certificate credential holder has done any of the acts enumerated in s. 457.26 (2) shall
2 submit a written report of the appointment, judgment or determination to the
3 appropriate section of the examining board within 30 days after the date on which
4 the appointment, judgment or determination is made.

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

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

22 **SECTION 107.** 457.26 (2) (intro.), (a) and (b) of the statutes are amended to read:

23 457.26 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
24 appropriate section of the examining board may reprimand a certificate credential
25 holder or deny, limit, suspend or revoke a certificate credential under this chapter

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1 if it finds that the applicant ~~or certificate~~ credential holder has done any of the
2 following:

3 (a) Made a material misstatement in an application for a ~~certificate~~ credential
4 or for renewal of a ~~certificate~~ credential.

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

9 **SECTION 108.** 457.26 (2) (e) of the statutes is amended to read:

10 457.26 (2) (e) Subject to ss. 111.321, 111.322 and 111.34, practiced social work,
11 advanced practice social work, independent social work, clinical social work, clinical
12 marriage and family therapy or clinical professional counseling while his or her
13 ability to practice was impaired by alcohol or other drugs.

14 **SECTION 109.** 457.26 (2) (f) of the statutes is amended to read:

15 457.26 (2) (f) Engaged in unprofessional or unethical conduct in violation of the
16 code of ethics established in the rules promulgated under s. 457.03 ~~(2)~~ (1) (b), (be),
17 (bm) or (bs).

18 **SECTION 110.** 457.26 (2) (g) of the statutes is amended to read:

19 457.26 (2) (g) Performed social work, advanced practice social work or
20 independent social work services in violation of the rules promulgated under s.
21 457.03 ~~(2)~~ (1) (b) or otherwise engaged in conduct while practicing social work,
22 advanced practice social work, independent social work, clinical social work, clinical
23 marriage and family therapy or clinical professional counseling which evidences a
24 lack of knowledge or ability to apply professional principles or skills.

25 **SECTION 111.** 895.70 (1) (e) of the statutes is amended to read:

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1 895.70 (1) (e) “Therapist” means a physician, psychologist, social worker,
2 clinical marriage and family therapist, clinical professional counselor, nurse,
3 chemical dependency counselor, member of the clergy or other person, whether or not
4 licensed or certified by the state, who performs or purports to perform psychotherapy.

5 **SECTION 112.** 905.04 (1) (bm) of the statutes is amended to read:

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

10 **SECTION 113.** 905.04 (1) (dm) of the statutes is amended to read:

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

14 **SECTION 114.** 940.22 (1) (i) of the statutes is amended to read:

15 940.22 (1) (i) “Therapist” means a physician, psychologist, social worker,
16 clinical marriage and family therapist, clinical professional counselor, nurse,
17 chemical dependency counselor, member of the clergy or other person, whether or not
18 licensed or certified by the state, who performs or purports to perform psychotherapy.

19 **SECTION 115. Nonstatutory provisions.**

20 (1) DEFINITIONS. In this SECTION:

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

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

24 (2) EXAMINING BOARD MEMBERSHIP. Notwithstanding section 15.405 (7c) (a), (am)
25 and (b) of the statutes, as affected by this act:

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1 (a) A member of the examining board who was appointed on or before the
2 effective date of this paragraph may continue to serve as a member of the examining
3 board until the end of his or her appointed term, except for a member whose
4 appointed term expires on or before January 1, 2002.

5 (b) The secretary of the department shall assign the public members of the
6 examining board who were appointed on or before the effective date of this paragraph
7 for terms that expire after January 1, 2002, to serve on either the certification or the
8 licensure section of the examining board, except for one public member who shall be
9 assigned to serve on both sections.

10 (3) TRANSITIONAL PROVISIONS.

11 (a) *Duties of examining board sections.* Notwithstanding sections 457.08 (4)
12 (intro.), (b), (c) (intro.), 1., 2. and 3. and (d), 457.09 (1) (intro.), (a), (c) and (d), 457.10
13 (intro.), (2) (intro.), (3) (intro.), (a), (b) and (c) and (4), 457.12 (intro.), (2), (3) (intro.),
14 (a) (intro.), 1., 2. and 3., (b) (intro.), 1., 2. and 3. and (4), 457.13 (1) (intro.), (a) and
15 (d), 457.14 and 457.15 (1) (a), (b), (c) and (d), (2) and (3) of the statutes, as affected
16 by this act, on the effective date of this paragraph:

17 1. The licensure section of the examining board shall grant a clinical social
18 worker license under section 457.08 (4) of the statutes, as affected by this act, to any
19 person who holds a valid independent clinical social worker certificate that was
20 granted by the social worker section of the examining board before the effective date
21 of this subdivision.

22 2. The certification section of the examining board shall grant a social worker
23 training permit under section 457.09 (1) of the statutes, as affected by this act, to any
24 person who holds a valid social worker training certificate that was granted by the
25 social worker section of the examining board before the effective date of this

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1 subdivision. Notwithstanding section 457.09 (3) (a) and (b) of the statutes, as
2 affected by this act, a social worker training permit granted under this subdivision
3 is valid for 24 months beginning after the date on which the social worker section of
4 the examining board granted the social worker training certificate to the person or
5 until the date on which the person receives the results of the examination that he or
6 she has taken under section 457.09 (5) (a) of the statutes, as affected by this act,
7 whichever occurs first.

8 3. The licensure section of the examining board shall grant a clinical marriage
9 and family therapist license under section 457.10 of the statutes, as affected by this
10 act, to any person who holds a valid marriage and family therapist certificate that
11 was granted by the marriage and family therapy section of the examining board
12 before the effective date of this subdivision.

13 4. The licensure section of the examining board shall grant a clinical
14 professional counselor license under section 457.12 of the statutes, as affected by this
15 act, to any person who holds a valid professional counselor certificate that was
16 granted by the professional counselor section of the examining board before the
17 effective date of this subdivision.

18 5. The licensure counselor section of the examining board shall grant a clinical
19 professional counselor training permit under section 457.13 (1) of the statutes, as
20 affected by this act, to any person who holds a valid professional counselor training
21 certificate that was granted by the professional counselor section of the examining
22 board before the effective date of this subdivision. Notwithstanding section 457.13
23 (2) of the statutes, as affected by this act, a professional counselor training permit
24 granted pursuant to this subdivision is valid for 24 months beginning after the date
25 on which the professional counselor section of the examining board granted the

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1 professional counselor training certificate or until the date on which the person
2 ceases to be employed in a position specified under section 457.13 (1) (d) of the
3 statutes, whichever occurs first.

4 6. The licensure section of the examining board shall grant a temporary clinical
5 social worker, clinical marriage and family therapist or clinical professional
6 counselor license under section 457.14 of the statutes, as affected by this act, to any
7 person who holds a valid temporary independent clinical social worker, marriage and
8 family therapist or professional counselor certificate that was granted by a section
9 of the examining board before the effective date of this subdivision. A temporary
10 license granted pursuant to this subdivision is valid only for the period of time
11 designated by the section of the examining board for the temporary certificate
12 granted to the person. If the temporary certificate was renewed once by the section,
13 the temporary license may not be renewed.

14 7. The licensure section of the examining board shall grant a reciprocal clinical
15 social worker, clinical marriage and family therapist or clinical professional
16 counselor license under section 457.15 of the statutes, as affected by this act, to any
17 person who holds a valid reciprocal independent clinical social worker, marriage and
18 family therapist or professional counselor certificate granted by a section of the
19 examining board before the effective date of this subdivision.

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

23 **SECTION 116. Effective date.**

