

1999 DRAFTING REQUEST

Bill

Received: **11/11/98**

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB :

For: **Frank Urban (608) 266-9175**

By/Representing: **Dismas Becker**

This file may be shown to any legislator: NO

Drafter: **kunkemd**

May Contact:

Alt. Drafters:

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

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Social worker certification

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Indexed</u>	<u>Required</u>
I?	kunkemd 03/3/99	chanaman 03/4/99		_____			State
/1	kunkemd 04/19/99	chanaman 04/20/99	martykr 03/5/99	_____	lrb-docadmin 03/5/99		State
/2	kunkemd 05/25/99	chanaman 05125199	jfrantze 04/21/99	_____	lrb-docadmin 04/21/99		State
/3			kfollet 05125199	_____	lrb-docadmin 05125199	lrb-docadmin 07/7/99	

JE Sent For (07/7/99)
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5/25
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FE Sent For:			<i>J 4/21</i>	<i>J / hh</i> 4/21			

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TO: Mark Kunkel
FROM: Dismas (255-3405)
RE: Rep. Frank Urban's request for a new draft of a licensure bill for Clinical Social Worker, Clinical Marriage and Family Therapist and Clinical Professional Counselors:

The request is for a new AB 517 for 1999-00. The request is not the same as the request for AB 517.

1. We **are not including** the Bachelorate ~~Social Workers~~, the Advanced Social Workers, School Social Workers, of School ~~Counselors~~.
2. This is a licensure for the practice of clinical psychotherapy. The only people that would be effected would be the independent clinical ~~social~~ worker, the marriage and family therapist and the professional counselor.
3. The practice of psychotherapy would include the ability to counsel and administer and interpret tests of mental abilities, aptitudes, interest, attitudes, personality characteristics, emotion and motivation as well as analyzing the results of these test and interviews.
4. The minimum requirement to be licensed would be a MA in: a) clinical social work or its equivalent, b) marriage and family therapy or its equivalent, and c) professional counseling or its equivalent. The MA would have to have 60 hrs. of graduate study with clinical field training.
5. The applicant would also have engaged in the equivalent of at least 2 years of full-time supervise clinical practice. - 457.08(4)(c) - already a current law requirement
6. The applicant would have to have training in at least one of the three scopes of practice in psychotherapy, that is clinical social work, clinical marriage and family therapy and clinical professional counseling.

The advanced social worker and independent social worker could be licensed only after they have completed the 2 years of supervised clinical work. The same would hold true or school counselors.

The scope of practice definition for these three practices would be the same as in AB 517

This request differs from AB 517 in that we are not including BA social workers, or advanced and independent social workers. These categories can still receive certification but not licensure.

(M & FTh & PCs w/o 2 yrs training
can't practice
psychotherapy)

455.01(6) "Psychotherapy" means the use of learning, conditioning, and emotional reactions in a professional relationship to assist persons to modify feelings, attitudes and behaviors which are intellectually, socially or emotionally maladjustive or ineffectual.

COMPARISON OF PSYCHOTHERAPIST PROFESSIONS

457.12 Professional counselor ...who does all of the following:

- (1) Satisfies the requirements...
- (2) Submits evidence satisfactory to the professional counselor approved by the state board of regional accrediting agency
- (3) Hold a doctoral degree in psychology from a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located, or have had other academic training or specialized experience, which in the opinion of the board is equivalent thereto. The board may require examinations to determine the equivalence of such training and experience and may also require examinations for individuals holding doctoral degrees in psychology from non-American universities.
- (d) Have at least one year of appropriate experience in psychological work under conditions satisfactory to the examining board in addition to the examining par. ©. However, the rules requiring an internship.

- (a) Be at least 18 years of age
- (b) Subject to ss. 111.321, 111.322 and 111.335, not have an arrest or conviction record.
- (c) Hold a doctoral degree in psychology from a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located, or have had other academic training or specialized experience, which in the opinion of the board is equivalent thereto. The board may require examinations to determine the equivalence of such training and experience and may also require examinations for individuals holding doctoral degrees in psychology from non-American universities.
- (d) Have at least one year of appropriate experience in psychological work under conditions satisfactory to the examining board in addition to the examining par. ©. However, the rules requiring an internship.

- (a) After receiving a master's degree in professional counseling or its equivalent, engaged in the equivalent of at least 2 years of full-time supervised clinical professional counseling practice approved...
- (b) After receiving a doctorate degree in professional counseling or its equivalent, engaged in the equivalent of at least 2 years of full-time supervised clinical professional counseling practice approved...

- (3) Submits evidence satisfactory to the marriage and family therapist section that he or she has done any of the following:
 - (a) Received a master's or doctorate degree in marriage and family therapy, professional counseling or other mental health field that included course work required for a master's or doctorate degree in marriage and family therapy...
 - (b) Received a master's or doctorate degree in marriage and family therapy that after receiving a master's or doctorate degree...he or she has engaged in the equivalent of a least 2 years of full-time supervised clinical marriage and family therapy practice...
 - (4) Passes an examination approved by the marriage and family therapist section...

457.10 Marriage and family therapist ...who does all of the following:

- (1) Satisfies the requirements in s. 457.06
- (2) Submits evidence satisfactory to the marriage and family therapist section that he or she has done any of the following:
 - (a) Received a master's or doctorate degree in marriage and family therapy from a program accredited by the commission on accreditation for marriage and family therapy.
 - (b) Received a master's or doctorate degree in marriage and family therapy, psychology, sociology, social work, professional counseling or other mental health field that included course work required for a master's or doctorate degree in marriage and family therapy...
 - (c) Submits evidence satisfactory to the marriage and family therapist section that after receiving a master's or doctorate degree in social work and, as part of education or a doctorate degree in social work and, as part of the master's or doctorate degree program, had a clinical social work concentration and completed supervised clinical field training.
 - (c) Submits evidence satisfactory to the social workers section that after receiving a master's or doctorate degree in social work he or she has engaged in the equivalent of at least 2 years of full-time supervised clinical social work practice approved by the social worker section.
 - (d) Passes an examination approved by the social worker section to practice as an independent clinical social worker as specified in rules...

- (1) Satisfies the requirements in s. 457.06
- (2) Submits evidence satisfactory to the marriage and family therapist section that he or she has done any of the following:
 - (a) Received a master's or doctorate degree in marriage and family therapy from a program accredited by the commission on accreditation for marriage and family therapy.
 - (b) Received a master's or doctorate degree in marriage and family therapy, psychology, sociology, social work, professional counseling or other mental health field that included course work required for a master's or doctorate degree in marriage and family therapy...
 - (c) Submits evidence satisfactory to the marriage and family therapist section that after receiving a master's or doctorate degree in social work and, as part of education or a doctorate degree in social work and, as part of the master's or doctorate degree program, had a clinical social work concentration and completed supervised clinical field training.
 - (c) Submits evidence satisfactory to the social workers section that after receiving a master's or doctorate degree in social work he or she has engaged in the equivalent of at least 2 years of full-time supervised clinical social work practice approved by the social worker section.
 - (d) Passes an examination approved by the social worker section to practice as an independent clinical social worker as specified in rules...

- (3) Submits evidence satisfactory to the marriage and family therapist section that after receiving a master's or doctorate degree...he or she has engaged in the equivalent of a least 2 years of full-time supervised clinical marriage and family therapy practice...
- (4) Passes an examination approved by the marriage and family therapist section...

457.08 (4) and does the following:

- (a) Satisfies the requirements in s. 457.06
- (b) Submits evidence satisfactory to the social worker section that he or she has received a master's degree in social work from a program accredited by, or a pre-accredited by, the state board of regional accrediting agency approved by the state board of education in the state in which the college or university is located, or have had other academic training or specialized experience, which in the opinion of the board is equivalent thereto. The board may require examinations to determine the equivalence of such training and experience and may also require examinations for individuals holding doctoral degrees in psychology from non-American universities.
- (d) Have at least one year of appropriate experience in psychological work under conditions satisfactory to the examining board in addition to the examining par. ©. However, the rules requiring an internship.

- (a) Be at least 18 years of age
- (b) Subject to ss. 111.321, 111.322 and 111.335, not have an arrest or conviction record.
- (c) Hold a doctoral degree in psychology from a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located, or have had other academic training or specialized experience, which in the opinion of the board is equivalent thereto. The board may require examinations to determine the equivalence of such training and experience and may also require examinations for individuals holding doctoral degrees in psychology from non-American universities.
- (d) Have at least one year of appropriate experience in psychological work under conditions satisfactory to the examining board in addition to the examining par. ©. However, the rules requiring an internship.

- (a) After receiving a master's degree in professional counseling or its equivalent, engaged in the equivalent of at least 2 years of full-time supervised clinical professional counseling practice approved...
- (b) After receiving a doctorate degree in professional counseling or its equivalent, engaged in the equivalent of at least 2 years of full-time supervised clinical professional counseling practice approved...

- (3) Submits evidence satisfactory to the marriage and family therapist section that after receiving a master's or doctorate degree in marriage and family therapy...
- (b) After receiving a master's or doctorate degree in marriage and family therapy that after receiving a master's or doctorate degree...he or she has engaged in the equivalent of a least 2 years of full-time supervised clinical marriage and family therapy practice...
- (4) Passes an examination approved by the marriage and family therapist section...

Mark

Have testing language from
Cal. Law + this should
Apply to all 3 professions
Soc. Workers
Marriage & Family Therapist
Professional Counselors / Dismiss

ther committing said act or from practicing ~~psychotherapy~~ ANY PROFESSION LICENSED, REGISTERED, OR REGULATED PURSUANT TO THIS ARTICLE.

(3) Such injunctive proceedings shall be in addition to and not in lieu of all penalties and other remedies provided in this article.

(4) When seeking an injunction under this section, ~~the grievance~~ A board shall not be required to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from a continued violation.

***12-43-228. Minimum standards for testing.** (1) EVERY PERSON LICENSED, REGISTERED, OR REGULATED UNDER THIS ARTICLE SHALL MEET THE MINIMUM PROFESSIONAL PREPARATION STANDARDS SET FORTH IN THIS SECTION TO ENGAGE IN THE ADMINISTRATION, SCORING, OR INTERPRETATION OF THE FOLLOWING LEVELS OF PSYCHOMETRIC OR ELECTRODIAGNOSTIC TESTING:

(a) **General use.** THERE IS NO EDUCATIONAL OR EXPERIENCE MINIMUM NECESSARY FOR A LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST TO ADMINISTER STANDARDIZED PERSONNEL SELECTION, ACHIEVEMENT, GENERAL APTITUDE, OR PROFICIENCY TESTS.

~&i/j?-
mca+@ent

(b) **Technical use.** A MASTER'S DEGREE IN ANTHROPOLOGY, PSYCHOLOGY, COUNSELING, MARRIAGE AND FAMILY THERAPY, SOCIAL WORK, OR SOCIOLOGY FROM A REGIONALLY ACCREDITED UNIVERSITY OR COLLEGE CERTIFIED BY THE ACCREDITING AGENCY OR BODY TO AWARD GRADUATE DEGREES AND COMPLETION OF AT LEAST ONE GRADUATE LEVEL COURSE EACH IN STATISTICS, PSYCHOMETRIC MEASUREMENT, THEORIES OF PERSONALITY, INDIVIDUAL AND GROUP TEST ADMINISTRATION AND INTERPRETATION, AND PSYCHOPATHOLOGY IS REQUIRED IN ORDER TO ADMINISTER, SCORE, OR INTERPRET TESTS THAT REQUIRE TECHNICAL KNOWLEDGE OF TEST CONSTRUCTION AND USE OR REQUIRE THE APPLICATION OF SCIENTIFIC AND PSYCHOPHYSIOLOGICAL KNOWLEDGE. SUCH TESTS INCLUDE, BUT ARE NOT LIMITED TO, TESTS OF GENERAL INTELLIGENCE, SPECIAL APTITUDES, TEMPERAMENT, VALUES, INTERESTS, AND PERSONALITY INVENTORIES.

paritology of
disorder

rel. tr. to
blw
psychology
&
physiology
processes

(c) **Advanced use.** A LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST SHALL MEET ALL THE REQUIREMENTS OF PARAGRAPH (b) OF THIS SUBSECTION (1) AND, IN ADDITION, COMPLETION, AT A REGIONALLY ACCREDITED UNIVERSITY OR COLLEGE CERTIFIED BY THE ACCREDITING AGENCY OR BODY TO AWARD GRADUATE DEGREES, OF AT LEAST ONE GRADUATE LEVEL COURSE IN SIX OF THE FOLLOWING AREAS: COGNITION, EMOTION, ATTENTION, SENSORY-PERCEPTUAL FUNCTION, PSYCHOPATHOLOGY, LEARNING, ENCEPHALOPATHY, NEUROPSYCHOLOGY, PSYCHOPHYSIOLOGY, PERSONALITY, GROWTH AND DEVELOPMENT, PROJECTIVE TESTING, AND NEUROPSYCHOLOGICAL TESTING AND COMPLETION OF ONE YEAR OF EXPERIENCE IN ADVANCED USE PRACTICE UNDER THE SUPERVISION OF A PERSON FULLY QUALIFIED

interpret
of ambiguous
stimulus situations

degenerative
disease of
the brain

UNDER THIS PARAGRAPH (c) IN ORDER TO PRACTICE PROJECTIVE TESTING, NEUROPSYCHOLOGICAL TESTING, OR UTILIZATION OF A BATTERY OF THREE OR MORE TESTS TO:

(I) DETERMINE THE PRESENCE, NATURE, CAUSATION, OR EXTENT OF PSYCHOSIS, DEMENTIA, AMNESIA, COGNITIVE IMPAIRMENT, INFLUENCE OF DEFICITS ON COMPETENCE, AND ABILITY TO FUNCTION ADAPTIVELY;

(II) DETERMINE THE ~~ETIOLOGY~~ OR CAUSATIVE FACTORS CONTRIBUTING TO PSYCHOLOGICAL DYSFUNCTION, CRIMINAL BEHAVIOR, VOCATIONAL DISABILITY, NEUROCOGNITIVE DYSFUNCTION, OR COMPETENCE; OR

(XXI) PREDICT THE PSYCHOLOGICAL RESPONSES TO SPECIFIC MEDICAL, SURGICAL, AND BEHAVIORAL INTERVENTIONS.

(2) THE BOARD LICENSING, REGISTERING, OR REGULATING ANY PERSON VIOLATING ANY PROVISION OF THIS SECTION MAY BRING DISCIPLINARY PROCEEDINGS OR INJUNCTIVE PROCEEDINGS AGAINST SUCH PERSON PURSUANT TO SECTION 12-43-224 OR 12-43-227.

(3) (a) ANY PERSON LICENSED UNDER THIS ARTICLE ON JULY 1, 1998, SHALL NOT BE REQUIRED TO COMPLY WITH THE EDUCATION REQUIREMENTS OF PARAGRAPHS (b) AND (c) OF SUBSECTION (1) OF THIS SECTION IF SUCH PERSON HAS, ON SUCH DATE, BEEN LICENSED UNDER THIS ARTICLE FOR A PERIOD OF SEVEN CONSECUTIVE YEARS.

(b) ANY PERSON LICENSED UNDER THIS ARTICLE ON JULY 1, 1998, SHALL NOT BE REQUIRED TO COMPLY WITH THE SUPERVISION REQUIREMENTS OF PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION IF SUCH PERSON HAS, ON SUCH DATE, BEEN LICENSED UNDER THIS ARTICLE FOR A PERIOD OF FIVE CONSECUTIVE YEARS.

end **12-43-229. [Formerly 12-43-712] Repeal of article.** This article is repealed, effective July 1, ~~1998~~ 2004. Prior to such repeal, all of the boards relating to the licensing of and grievances against any person licensed, REGISTERED, OR REGULATED pursuant to the provisions of this article shall be reviewed as provided for in section 24-34-104, C.R.S.

SECTION 190 Parts 3, 4, 5, and 6 of article 43 of title 12, Colorado Revised Statutes, are REPEALED AND REENACTED, WITH AMENDMENTS, to read:

PART 3

PSYCHOLOGISTS

12-43-301. Definitions. AS USED IN THIS PART 3, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "APPROVED SCHOOL" MEANS ANY UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION OFFERING A FULL-TIME GRADUATE

COUNSELOR WHO PRACTICES PROFESSIONAL COUNSELING OR MENTAL HEALTH COUNSELING AND WHO IS LICENSED PURSUANT TO THIS PART 6.

(5) (a) "PROFESSIONAL COUNSELING" MEANS:

(I) THOSE ACTIVITIES THAT ASSIST THE PERSON RECEIVING COUNSELING IN DEVELOPING AN UNDERSTANDING OF PERSONAL, EMOTIONAL, SOCIAL, EDUCATIONAL, ALCOHOL AND SUBSTANCE ABUSE, DOMESTIC VIOLENCE, AND VOCATIONAL DEVELOPMENT AND IN PLANNING AND EFFECTING ACTIONS TO INCREASE FUNCTIONING OR GAIN CONTROL OF HIS OR HER BEHAVIOR IN SUCH AREAS. SUCH ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO, SKILL-BUILDING IN COMMUNICATIONS, DECISION-MAKING, AND PROBLEM-SOLVING, CLARIFYING VALUES, PROMOTING ADAPTATION TO LOSS AND OTHER LIFE CHANGES, DEVELOPING SOCIAL SKILLS, RESTRUCTURING COGNITIVE PATTERNS, DEFINING EDUCATIONAL AND CAREER GOALS, AND FACILITATING ADJUSTMENT TO PERSONAL CRISES AND CONFLICTS;

(II) THE SELECTING, ADMINISTERING, SCORING, AND INTERPRETING OF INSTRUMENTS DESIGNED TO MEASURE APTITUDES, ATTITUDES, ABILITIES, ACHIEVEMENTS, INTERESTS, EMOTIONS, AND OTHER PERSONAL CHARACTERISTICS AND INCLUDES THE APPLICATION OF NONSTANDARDIZED METHODS, SUCH AS INTERVIEWS, TO EVALUATE A PERSON RECEIVING COUNSELING AND TO EVALUATE SUCH PERSONAL AND SOCIAL FUNCTIONING;

(III) A VOLUNTARY RELATIONSHIP BETWEEN A COUNSELOR AND A CLIENT IN WHICH THE COUNSELOR ASSISTS A PERSON, COUPLE, GROUP, OR ORGANIZATION TO COPE WITH MATTERS THAT INCLUDE RELATIONSHIPS, CONFLICTS, PROBLEM-SOLVING, DECISION-MAKING, AND COMPETENCIES BY INTERPRETING, REPORTING ON, OR APPLYING COUNSELING THEORY;

(XV) RENDERING OF OR OFFERING TO RENDER COUNSELING SERVICES THAT FACILITATE EFFECTIVE PERSONAL, EMOTIONAL, SOCIAL, EDUCATIONAL, AND VOCATIONAL DEVELOPMENT IN INDIVIDUALS, COUPLES, GROUPS, AND ORGANIZATIONS, WITH AN EMPHASIS ON THE NATURAL ASPECTS OF HUMAN DEVELOPMENT AND WITH AN EDUCATIONAL ORIENTATION.

(b) PROFESSIONAL COUNSELING FOLLOWS A PLANNED PROCEDURE OF INTERVENTION THAT TAKES PLACE ON A REGULAR BASIS, OVER A PERIOD OF TIME, OR IN THE CASES OF TESTING, ASSESSMENT, AND BRIEF PROFESSIONAL COUNSELING, IT CAN BE A SINGLE INTERVENTION.

(6) "SCHOOL OR COLLEGE" MEANS AN-Y UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION OFFERING A FULL-TIME GRADUATE COURSE OF STUDY IN PROFESSIONAL COUNSELING APPROVED BY APPROPRIATE NATIONAL ORGANIZATIONS ACCREDITING PROFESSIONAL COUNSELOR EDUCATION PROGRAMS OR A SUBSTANTIALLY EQUIVALENT

PROGRAM APPROVED BY THE BOARD.

12-43-602. State board of licensed professional counselor examiners. (1) THERE IS HEREBY CREATED THE STATE BOARD OF LICENSED PROFESSIONAL COUNSELOR EXAMINERS UNDER THE SUPERVISION AND CONTROL OF THE DIVISION OF REGISTRATIONS OF THE DEPARTMENT OF REGULATORY AGENCIES, CREATED IN SECTION 24-1-122 (2) (g), C.R.S. THE BOARD SHALL CONSIST OF SEVEN MEMBERS WHO ARE CITIZENS OF THE UNITED STATES AND RESIDENTS OF THE STATE OF COLORADO.

(2) (a) THE MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE GOVERNOR AS FOLLOWS”.

(I) FOUR MEMBERS OF THE GENERAL PUBLIC WHO ARE NOT REGULATED UNDER THIS ARTICLE; AND

(II) THREE LICENSED PROFESSIONAL COUNSELORS.

(b) THE PUBLIC MEMBERS SHALL HAVE NEVER BEEN A LICENSED PROFESSIONAL COUNSELOR, AN APPLICANT OR FORMER APPLICANT FOR LICENSURE AS A LICENSED PROFESSIONAL COUNSELOR, A MEMBER OF ANOTHER MENTAL HEALTH PROFESSION, OR A MEMBER OF A HOUSEHOLD THAT INCLUDES A LICENSED PROFESSIONAL COUNSELOR OR A MEMBER OF ANOTHER MENTAL HEALTH PROFESSION OR OTHERWISE HAVE CONFLICTS OF INTEREST OR THE APPEARANCE OF SUCH CONFLICTS WITH HIS OR HER DUTIES AS A BOARD MEMBER.

(c) ON OR BEFORE JULY 1, 1998, THE GOVERNOR SHALL REMOVE TWO OF THE FIVE LICENSED PROFESSIONAL COUNSELORS SERVING ON THE BOARD AS IT EXISTED ON JUNE 30, 1998, IN COMPLIANCE WITH THIS SUBSECTION (2). ON OR BEFORE JULY 1, 1998, THE GOVERNOR SHALL APPOINT TWO ADDITIONAL PUBLIC MEMBERS TO THE BOARD. THE INITIAL TERMS OF ONE OF THE ADDITIONAL PUBLIC MEMBERS SHALL BE THREE YEARS, AND THE OTHER ADDITIONAL MEMBER SHALL BE APPOINTED FOR A TERM OF FOUR YEARS.

(3) NO BOARD MEMBER SHALL SERVE MORE THAN TWO FULL CONSECUTIVE TERMS.

(4) EACH MEMBER SHALL HOLD OFFICE UNTIL THE EXPIRATION OF HIS OR HER APPOINTED TERM OR UNTIL A SUCCESSOR IS DULY APPOINTED, EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, AND EACH MEMBER SHALL THEREAFTER SERVE TERMS OF FOUR YEARS. WHEN THE TERM OF EACH BOARD MEMBER EXPIRES, THE GOVERNOR SHALL APPOINT HIS OR HER SUCCESSOR FOR A TERM OF FOUR YEARS. ANY VACANCY OCCURRING IN THE BOARD MEMBERSHIP OTHER THAN BY THE EXPIRATION OF A TERM SHALL BE FILLED BY THE GOVERNOR BY APPOINTMENT FOR THE UNEXPIRED TERM OF SUCH MEMBER.

(5) THE GOVERNOR MAY REMOVE AN-Y BOARD MEMBER FOR

MISCONDUCT, INCOMPETENCE, OR NEGLECT OF DUTY AFTER GIVING THE BOARD MEMBER A WRITTEN STATEMENT OF THE CHARGES AND AN OPPORTUNITY TO BE HEARD THEREON, ACTIONS CONSTITUTING NEGLECT OF DUTY SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FAILURE OF BOARD MEMBERS TO ATTEND THREE CONSECUTIVE MEETINGS OR AT LEAST THREE QUARTERS OF THE TOTAL MEETINGS IN ANY CALENDAR YEAR.

(6) EACH BOARD MEMBER SHALL RECEIVE A CERTIFICATE OF APPOINTMENT FROM THE GOVERNOR, AND, BEFORE ENTERING ON THE DISCHARGE OF HIS OR HER DUTIES AND WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF APPOINTMENT, THE BOARD MEMBER SHALL SUBSCRIBE TO AN OATH FOR THE FAITHFUL PERFORMANCE OF HIS OR HER OFFICIAL DUTIES BEFORE ANY OFFICER AUTHORIZED TO ADMINISTER OATHS IN THIS STATE AND SHALL FILE THE SAME WITH THE SECRETARY OF STATE.

12-43-603. Licensure - examination - licensed professional counselors. (1) THE BOARD SHALL ISSUE A LICENSE AS A LICENSED PROFESSIONAL COUNSELOR TO EACH APPLICANT WHO FILES AN APPLICATION UPON A FORM AND IN SUCH A MANNER AS THE BOARD PRESCRIBES, ACCOMPANIED BY A FEE AS IS REQUIRED BY SECTION 12-43-204, AND WHO FURNISHES EVIDENCE SATISFACTORY TO THE BOARD THAT HE OR SHE:

(a) IS AT LEAST TWENTY-ONE YEARS OF AGE;

(b) IS NOT IN VIOLATION OF ANY OF THE PROVISIONS OF THIS ARTICLE AND THE RULES AND REGULATIONS ADOPTED UNDER THIS ARTICLE;

(c) HOLDS A MASTER'S OR DOCTORAL DEGREE IN PROFESSIONAL COUNSELING FROM AN ACCREDITED SCHOOL OR COLLEGE OR AN EQUIVALENT PROGRAM AS DETERMINED BY THE BOARD. SUCH DEGREE OR PROGRAM SHALL INCLUDE A PRACTICUM OR INTERNSHIP IN THE PRINCIPLES AND THE PRACTICE OF PROFESSIONAL COUNSELING.

(d) HAS AT LEAST TWO YEARS OF POST-MASTER'S PRACTICE OR ONE YEAR OF POSTDOCTORAL PRACTICE IN APPLIED PSYCHOTHERAPY UNDER SUPERVISION APPROVED BY THE BOARD; AND

(e) HAS DEMONSTRATED PROFESSIONAL COMPETENCE BY PASSING AN EXAMINATION IN PROFESSIONAL COUNSELING DEMONSTRATING SPECIAL KNOWLEDGE AND SKILL IN APPLIED PSYCHOTHERAPY AS PRESCRIBED BY THE BOARD.

(2) UPON INVESTIGATION OF THE APPLICATION AND OTHER EVIDENCE SUBMITTED, THE BOARD SHALL, NOT LESS THAN THIRTY DAYS PRIOR TO THE EXAMINATION, NOTIFY EACH APPLICANT THAT THE APPLICATION AND EVIDENCE SUBMITTED UNDER PARAGRAPHS (a) TO (d) OF SUBSECTION (1) OF THIS SECTION ARE SATISFACTORY AND ACCEPTED OR UNSATISFACTORY AND REJECTED. IF REJECTED, SAID NOTICE SHALL

(2) NO PERSON MAY ENGAGE IN THE PRACTICE OF MARRIAGE AND FAMILY THERAPY UNLESS SUCH PERSON IS LICENSED PURSUANT TO THIS PART 5.

(3) ANY PERSON DULY LICENSED AS A LICENSED MARRIAGE AND FAMILY THERAPIST SHALL NOT BE REQUIRED TO OBTAIN ANY OTHER LICENSE OR CERTIFICATION TO PRACTICE MARRIAGE AND FAMILY THERAPY AS DEFINED IN SECTION 12-43-503 UNLESS OTHERWISE REQUIRED BY THE BOARD OF MARRIAGE AND FAMILY THERAPIST EXAMINERS.

(4) NOTHING IN THIS PART 5 SHALL BE CONSTRUED TO PREVENT MEMBERS OF OTHER PROFESSIONS LICENSED UNDER THE LAWS OF THIS STATE FROM RENDERING SERVICES WITHIN THE SCOPE OF PRACTICE AS SET OUT IN THE STATUTES REGULATING THEIR PROFESSIONAL PRACTICES, PROVIDED THAT THEY DO NOT REPRESENT THEMSELVES TO BE MARRIAGE AND FAMILY THERAPISTS, OR THEIR SERVICES AS MARRIAGE AND FAMILY THERAPY.

(5) NOTHING IN THIS PART 5 SHALL BE CONSTRUED TO PREVENT THE PRACTICE OF PSYCHOTHERAPY BY UNLICENSED PERSONS WHO ARE LISTED WITH THE STATE GRIEVANCE BOARD PURSUANT TO SECTION 12-43-702.X

* PART 6

LICENSED PROFESSIONAL COUNSELORS

12-43-601. Definitions. AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOARD" MEANS THE STATE BOARD OF LICENSED PROFESSIONAL COUNSELOR EXAMINERS, CREATED IN SECTION 12-43-602.

(2) "CLINICAL MENTAL HEALTH COUNSELING" INCLUDES:

(a) ASSESSMENT, COUNSELING ACTIVITIES, CONSULTATION, AND REFERRAL; AND

(b) TREATMENT, DIAGNOSIS, TESTING, ASSESSMENT PSYCHOTHERAPY, OR COUNSELING IN A PROFESSIONAL RELATIONSHIP TO ASSIST INDIVIDUALS OR GROUPS TO ALLEVIATE MENTAL AND EMOTIONAL DISORDERS, UNDERSTAND UNCONSCIOUS OR CONSCIOUS MOTIVATION, RESOLVE EMOTIONAL, RELATIONSHIP, OR ATTITUDINAL CONFLICTS, OR MODIFY BEHAVIORS THAT INTERFERE WITH EFFECTIVE EMOTIONAL, SOCIAL, OR INTELLECTUAL FUNCTIONING.

(3) "GRIEVANCE BOARD" MEANS THE STATE GRIEVANCE BOARD CREATED IN SECTION 12-43-702.

(4) "LICENSED PROFESSIONAL COUNSELOR" MEANS A PROFESSIONAL

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1997 ASSEMBLY BILL 517

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September 16, 1997 - Introduced by Representatives URBAN, NOTESTEIN, JOHNSRUD, HASENOHRL, OTT, WASSERMAN, DUFF, GRONEMUS, MEYER, SERATTI, PLALE, HOVEN, PLOUFF, GOETSCH, SPRINGER, ALBERS, KELSO and HANSON, cosponsored by Senators GROBSCHMIDT, FARROW, RISSER, C. POTTER, HUELSMAN, WIRCH and BRESKE. Referred to Committee on Consumer Affairs.

gen. cat.

AN ACT to repeal 457.01 (1); to renumber and amend 15.405 (7c)(a); to amend

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15.405 (7c) (c), 48.56 (2), 146.81 (1) (hg), 252.10 (7), 252.14 (1) (ar) 7., 253.10 (2) (f), 450.10 (3) (a) 10., 457.01 (3), 457.01 (7), 457.01 (9), 457.01 (10), 457.02 (1) to (5), 457.03 (1) to (3), 457.04 (1) to (4), 457.04 (5), 457.04 (6), 457.06 (intro.) and (l), 457.08 (title), 457.08 (1) (intro.), 457.08 (2) (intro.), 457.08 (3) (intro.), 457.08 (4) (intro.), 457.09 (title) and (1) (intro.) and (a), 457.09 (1) (d), 457.09 (2), 457.09 (3), 457.09 (4) (intro.), 457.09 (4) (b) 1. and 2., 457.09 (4m), 457.09 (5) (a) and (b), 457.09 (5) (d), 457.10 (intro.), 457.12 (intro.), 457.13 (title) and (1) (intro.) and (a), 457.13 (2), 457.14, 457.15 (title), 457.15 (1) (a) to (d), 457.15 (2), 457.15 (3), 457.16 (1), 457.16 (2), 457.16 (3), 457.20 (1) and (2), 457.20 (3) (c), 457.20 (4), 457.22, 457.25, 457.26 (2) (intro.), (a) and (b), 457.26 (2) (e), 457.26 (2) (g), 905.04 (1) (bm), 905.04 (1) (dm) and 905.04 (1) (g); and to create 457.01 (1d), 457.01 (1m), 457.01 (2d), 457.01 (2h), 457.01 (2p), 457.01 (2v), 457.01 (2w), 457.01 (5m), 457.02 (6), 457.02 (7) and 457.02 (8) of the statutes;

ASSEMBLY BILL 517

1 **relating to:** the regulation of ~~social workers, advanced practice social workers,~~
 2 ~~independent social workers,~~ independent clinical social workers, marriage and
 3 family therapists, and professional counselors.

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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). With respect to social work, there are 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 into licensing requirements and ~~restricts the use of titles related to social work, marriage and family therapy or professional counseling to persons who are licensed.~~ The bill also prohibits, with certain exceptions, a person from practicing social work, marriage and family therapy or professional counseling unless he or she is licensed.

~~In addition, a person may not perform services that may be performed by an advanced practice, independent or independent clinical social worker unless he or she has been granted a social worker license and either an advanced practice, independent or independent clinical social worker license. The examining board is required to promulgate rules that specify the services that may be performed by the different types of social workers. The eligibility requirements for a social worker, marriage and family therapist or professional counselor license, or for a license to practice an advanced level of social work, under the bill are the same as the requirements for a certificate under current law.~~

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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 licensed to use such a title 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 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; 2) practicing social work within the scope of his or her education

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ASSEMBLY BILL 517

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independent clinical

~~or training as a student for a bachelor's or master's degree in social work, or 3) licensed to, practice 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.~~

~~Under current law, the social worker and professional counselor sections of the examining board may grant a social worker or professional counselor training certificate that allows a person to use the title "social worker" or "professional counselor" before meeting certain eligibility requirements for a certificate. This bill allows the social worker and professional counselor sections of the examining board to grant a social worker or professional counselor training permit that is subject to the same requirements as a training certificate under current law. Also under current law, any section of the examining board may grant the following: 1) a temporary certificate to a person who has not yet passed an examination required for a certificate; and 2) a reciprocal certificate to a person who is certified in another state that has substantially similar certification requirements. Under this bill, any section of the examining board may grant a temporary or reciprocal license that is subject to the same requirements as a temporary or reciprocal certificate under current law.~~

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. 15.405 (7c) (a) of the statutes is renumbered 15.405 (7c) (a) (intro.)
2 and amended to read:

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

7 1. Four members shall be certified who are licensed under ch. 457 as social
8 workers.

9 2. Three members shall be certified who are licensed under ch. 457 as marriage
10 and family therapists.

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ASSEMBLY BILL 517

SECTION 1

1 3. Three members ~~shall be certified~~ who are licensed under ch. 457 as
2 professional counselors.

3 4. Three ~~Of the 4 members shall be public members.~~
4 worker,

5 (am) ~~The 4 members, one appointed under par. (a) 1. shall be certified~~ consist
6 of the following:

7 1. One member who is licensed under ch. 457 as an advanced practice social
8 worker, ~~one shall be certified.~~ *certified*

9 2. One member who is licensed under ch. 457 as an independent social worker,
10 ~~one shall be certified.~~

11 3. One member who is licensed under ch. 457 as an independent clinical social
12 worker ~~and at.~~

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

15 SECTION 2. 15.405 (7c) (c) of the statutes is amended to read:

16 15.405 (7c) (c) All matters pertaining to granting, denying, limiting,
17 suspending or revoking a ~~certificate permit or license~~ under ch. 457, and all other
18 matters of interest to either the social worker, marriage and family therapist or
19 professional counselor section, shall be acted upon solely by the interested section of
20 the examining board.

21 SECTION 3. ~~48.56~~ (2) of the statutes is amended to read:

22 48.56 (2) Each county department shall employ personnel who devote all or
23 part of their time to child welfare s e r v i c e ~~enever possible, these personnel shall~~
24 be social workers ~~certified~~ licensed under ch. 457.

25 SECTION 4. 146.81 (1) (hg) of the statutes is amended to read:

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ASSEMBLY BILL 517

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

3 SECTION 5. 252.10 (7) of the statutes is amended to read:

4 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis
5 shall be purchased by the department from the appropriation under s. 20.435 (e)
6 and dispensed to patients through the public health dispensaries or through health
7 care providers, as defined in s. 146.81 (l), other than social workers, marriage and
8 family therapists or professional counselors certified licensed under ch. 457,
9 speech-language pathologists or audiologists licensed under subch. II of ch. 459,
10 speech and language pathologists licensed by the department of education public
11 instruction or, on or after July 1, 1995, and no later than June 30, 1999, dietitians
12 certified under subch. ~~IV~~ of ch. 44 %

13 SECTION 6. 252.14 (1) (ar) 7. of the statutes is amended to read:

14 252.14 (1) (ar) 7. A social worker, marriage and family therapist or professional
15 counselor certified licensed under ch. 457.

16 SECTION 7. 253.10 (2) (f) of the statutes is amended to read:

17 253.10 (2) (f) "Qualified person assisting the physician" means a social worker
18 certified licensed under ch. 457, a registered nurse or a physician assistant to whom
19 a physician who is to perform or induce an abortion has delegated the responsibility,
20 as the physician's agent, for providing the information required under sub. (3) (c) 2.

21 SECTION 8. 450.10 (3) (a) 10. of the statutes is amended to read:

22 450.10 (3) (a) 10. A social worker, marriage and family therapist or professional
23 counselor certified licensed under ch. 457.

24 SECTION 9. 457.01 (1) of the statutes is repealed.

25 SECTION 10. 457.01 (1d) of the statutes is created to read.

INSERT 5-24

ASSEMBLY BILL 517

1 457.01 (1d) "Advanced practice social work" means applying psychosocial,
 2 psychotherapeutic or counseling principles, methods or procedures in the
 3 assessment, evaluation, or psychosocial or psychotherapeutic diagnosis, prevention,
 4 treatment or resolution of a complex difficulty in the social, psychological, personal,
 5 emotional or mental disorder functioning of an individual, couple, family, group of
 6 individuals or community, including the enhancement or restoration of, or the
 7 creation of societal conditions favorable to the enhancement or restoration of, the
 8 capacity of an individual, couple, family, group of individuals or community for social
 9 functioning or the delivery of services to a group of individuals or a community to
 10 assist the group or community in providing or improving the provision of social or
 11 health services to others.

12 SECTION 11. 457.01 (1f) of the statutes is created to read:

13 457.01 (1f) "Advanced practice social worker" means an individual who holds
 14 a license to practice advanced practice social worker granted by the social worker
 15 section.

(an) *(worker certificate)*

16 SECTION 12. 457.01 (1h) of the statutes is created to read:

17 457.01 (1h) "Credential" means a license, permit, or certificate of certification
 18 of registration, that is issued by another state or territory of the United States.

(B) *(IP)* *certificate or*

granted under this chapter

19 SECTION 13. 457.01 (2d) of the statutes is created to read:

20 457.01 (2d) "Independent clinical social work" means providing services
 21 without supervision for the diagnosis, treatment and prevention of mental and
 22 emotional disorders in individuals, families and groups, to restore, maintain and
 23 enhance social functioning through treatment interventions that include
 24 psychosocial evaluation, counseling of individuals, families or groups, referral to

ASSEMBLY BILL 517

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

3 SECTION 14. 457.01 (2h) of the statutes is created to read:

4 457.01 (2h) "Independent clinical social worker" means an individual who
5 holds a license to practice independent clinical social work granted by the social
6 worker section.

7 SECTION 15. 457.01 (2p) of the statutes is created to read:

8 457.01 (2p) "Independent social worker" has the meaning given for advanced
9 practice social work in sub. (1d).

10 SECTION 16. 457.01 (2t) of the statutes is created to read:

11 457.01 (2t) "Independent social worker" means an individual who holds
12 license to practice independent social work granted by the social worker section.

13 SECTION 17. 457.01 (2w) of the statutes is created to read:

14 457.01 (2w) "Licensee" means a person who is licensed under this chapter.

15 SECTION 18. 457.01 (3) of the statutes is amended to read:

16 457.01 (3) "Marriage and family therapist" means an individual who practices
17 holds a license to practice marriage and family therapy granted by the marriage and
18 family therapist section.

19 SECTION 19. 457.01 (5m) of the statutes is created to read:

20 457.01 (5m) "Permit holder" means an individual who holds a permit granted
21 under this chapter.

22 SECTION 20. 457.01 (7) of the statutes is amended to read:

23 457.01 (7) "Professional counselor" means an individual who practices holds
24 a license to practice professional counseling granted by the professional counselor
25 section.

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worker certificate

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SECTION 21. 457.01 (9) of the statutes is amended to read:

457.01 (9) "Social work" means applying psychosocial- or counseling principles, methods or procedures in the assessment, evaluation, or psychosocial or psychotherapeutic diagnosis, prevention, treatment or resolution of a difficulty in the social, psychological, personal, emotional or mental disorder functioning of an individual, couple, family, group of individuals or community, including the enhancement or restoration of, or the creation of societal conditions favorable to the enhancement or restoration of, the capacity of an individual, couple, family, group of individuals or community for social functioning or the delivery of services to a group of individuals or a community to assist the group or community in providing or improving the provision of social or health services to others.

SECTION 22. 457.01 (10) of the statutes is amended to read:

457.01 (10) "Social worker" ^{worker certificate} means an individual who practices holds a ~~license~~ social work granted by the social worker section

SECTION 23. 457.02 (1) to (5) of the statutes are amended to read:

457.02 (1) Require any individual to be ^(plan) certified ^{or} licensed under this chapter in order to use the title "pastoral counselor", "investment counselor", "vocational counselor", "career counselor", "alcohol and drug counselor" or "chemical dependency counselor", or to engage in such counseling if the individual does not use any other title or designation ^{that} which represents or may tend to represent that he or she is licensed to practice social work, advanced practice social work, independent social work, independent clinical social work, marriage and family therapy or professional counseling and does not represent himself or herself as an individual who engages in social work, advanced practice social work, independent social work, independent clinical social work, marriage and family therapy or professional counseling.

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1 (2) Require any individual who is licensed as a school social worker or school
 2 counselor by the department of ~~Education~~ public instruction to be certified licensed
 3 as a social worker or professional counselor under this chapter in order to use the title
 4 "school social worker" or "school counselor".

5 (3) Require a person who is licensed as a psychologist under ch. 455 or who is
 6 a psychiatrist, as defined in s. 146.34 (1) (h), to be ~~certified~~ licensed as a marriage
 7 and family therapist or professional counselor under this chapter in order to use the
 8 title "marriage and family therapist", "marriage and family counselor" or
 9 "professional counselor" if the psychologist or psychiatrist does not use the term
 10 "licensed", "certified" or "registered" or any similar term in connection with the title
 11 "marriage and family therapist", "marriage and family counselor" or "professional
 12 counselor".

13 (4) Authorize any individual who is certified licensed as a social worker or
 14 professional counselor under this chapter to use the title "school social worker" or
 15 "school counselor" unless the individual is licensed as a school social worker or school
 16 counselor by the department of ~~Education~~ public instruction.

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

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SECTION 24. 457.02 (6) of the statutes is created to read:

22 457.02 (6) Require a student enrolled in a program leading to a bachelor's
 23 degree in social work to be licensed as a social worker under this chapter if he or she
 24 is practicing social work within the scope of his or her education or training and
 25

ASSEMBLY BILL 517

SECTION 24

1 under the supervision of a person who has received a bachelor's, master's or
 2 doctorate degree in social work.
 3 SECTION 25. 457.02 (7) of the statutes is created to read:
 4 457.02 (7) Require a student enrolled in a program leading to a master's degree
 5 in social work to be licensed under this chapter if he or she is practicing social work
 6 within the scope of his or her education or training and under the supervision of a
 7 person who has received a master's or doctorate degree in social work.

8 SECTION 26. 457.02 (8) of the statutes is created to read:
 9 457.02 (8) Require a ~~license or permit~~ ^{credential} granted under this chapter for a person
 10 to do any of the following:

11 (a) Lawfully practice within the scope of a license, permit, registration or
 12 certification ^e granted by this state or the federal government.

13 (b) Provide a consultation or demonstration with a marriage and family
 14 therapist, professional counselor or ^{independent clinical} social worker if the person providing the
 15 consultation or demonstration is licensed to practice marriage and family therapy,
 16 professional counseling or social work in another state or territory of the United
 17 States.

18 SECTION 27. 457.03 (^x) to (^x 3) of the statutes are amended to read:

19 457.03 (1) Upon the advice of the social worker section, marriage and family
 20 therapist section and professional counselor section, promulgate rules establishing
 21 minimum standards for educational programs that must be completed for
 22 ^{plain} certification ^{or} licensure under this chapter and for supervised clinical training that
 23 ~~must be completed for certification~~ ~~license~~ as an independent clinical social
 24 ~~worker, marriage and family therapist or professional counselor under this chapter~~

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1 and approve educational programs and supervised clinical training programs in
2 accordance with those standards.

3 (2) Upon the advice of the social worker section, marriage and family therapist
4 section and professional counselor section, promulgate rules establishing a code of
5 ethics to govern the professional conduct of certificate licensees and permit holders.

6 The rules shall specify the services included within the practice of social work,
7 advanced practice social work, independent social work or independent clinical
8 social work that an individual who is certified licensed under this chapter as a social

9 worker, advanced practice social worker, independent social worker or independent
10 clinical social worker is qualified to may perform and the degree of supervision, if

11 any, required to perform those services. The rules may not permit a certificate
12 licensee or permit holder to engage in psychotherapy unless the individual is

13 certified licensed under this chapter as an advanced practice social worker,
14 independent social worker, independent clinical social worker, marriage and family

15 therapist or professional counselor and has engaged in the equivalent of at least 2

16 4 = - - - - F
17 professional counseling clinical practice after receiving the master's or doctorate
18 degree required under s. 457.08 (3) (b) or (4) (b), 457.10 (2) or 457.12 (2).

19 (3) Upon the advice of the social worker section, promulgate rules establishing
20 levels of advanced social work practice, in addition to the levels of practice for which

21 certificates licenses are granted under s. 457.08 (2) to (4) and establishing
22 appropriate educational, training, experience, examination and continuing
23 education requirements for certification license and renewal of a certificate license

24 at each level of practice established in rules promulgated under this subsection.

25 SECTION 28. 457.04 (1) to (4) of the statutes are amended to read:

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ASSEMBLY BILL 517

1 457.04 (1) Use ~~Practice social work~~ ^{or} designate himself or herself as a social
 2 worker or use or assume the title "social worker" or any other title or designation
 3 ~~which~~ ^{that} represents or may tend to represent the person as a social worker unless the
 4 person is ^{plain} certified ~~named~~ as a social worker under this chapter.

5 (2) Use Designate himself or herself as an advanced practice social worker ^{or}
 6 or assume the title "advanced practice social worker" or any other title or designation
 7 ~~which~~ ^{that} represents or may tend to represent the person as an advanced practice social
 8 worker ~~or, notwithstanding sub. (1), perform services specified in rules promulgated~~
 9 ~~under s. 457.03 (2) that an advanced practice social worker may perform~~ unless the
 10 person is ^{plain} certified ^{or} licensed as an advanced practice social worker, independent social
 11 worker or independent clinical social worker under this chapter.

12 (3) Use Designate himself or herself as an independent social worker ^{or}
 13 assume the title "independent social worker" or any other title or designation ^{that} ~~which~~
 14 represents or may tend to represent the person as an independent social worker
 15 ~~notwithstanding sub. (1), perform services specified in rules promulgated under s.~~
 16 ~~457.03 (2) that an independent social worker may perform~~ unless the person is
 17 ^{plain} certified ^{or} licensed as an independent social worker or independent clinical social
 18 worker under this chapter.

19 (4) Use Designate himself or herself as an independent clinical social worker
 20 ^{or} use or assume the title "independent clinical social worker" or "clinical social worker"
 21 or any other title or designation ^{that} ~~which~~ represents or may tend to represent the
 22 person as an independent clinical social worker ~~or, notwithstanding sub. (1), perform~~
 23 ~~services specified in rules promulgated under s. 457.03 (2) that an independent~~
 24 ~~clinical social worker may perform~~ unless the person is certified licensed as an
 25 independent clinical social worker under this chapter.

Practice independent clinical social work or

ASSEMBLY BILL 517

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SECTION 29. 457.04 (5) of the statutes is amended to read:

457.04 (5) ~~Use Practice~~ marriage and family therapy or designate himself or herself as a marriage and family therapist or use or assume the title "marriage and family therapist", "marriage and family counselor" or any similar other title or designation which represents or may tend to represent the person as a marriage and family therapist unless any of the following applies:

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

(b) The person is ~~certified~~ licensed as an independent clinical social worker under this chapter and initially became certified as an independent clinical social worker under ~~this chapter ch. 457. 1990~~ stats., on or before May 31, 1995.

SECTION 30. 457.04 (6) of the statutes is amended to read:

457.04 (6) ~~Use Practice~~ professional counseling; or designate himself or herself as a professional counselor or use or assume the title "professional counselor", "professional rehabilitation counselor", "vocational rehabilitation counselor" or, "rehabilitation counselor" or any similar other title or designation which represents or may tend to represent the person as a professional counselor unless the person is ~~certified~~ licensed as a professional counselor under this chapter.

SECTION 31. 457.06 (intro.) and (1) of the statutes are amended to read:

~~457.06 (intro.)~~ **General requirements for certification/licensure.** (intro.)

The social worker section, marriage and family therapist section or professional counselor section may not grant any certificate license under this chapter unless the applicant does all of the following:

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

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ASSEMBLY BILL 517

SECTION 41

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1 SECTION 41. 457.09 (4) (intro.) of the statutes is amended to read:

2 457.09 (4) (intro.) During the period in which a social worker training
3 ~~certificate permit~~ is valid, the ~~certificate permit~~ holder shall do all of the following:

4 SECTION 42. 457.09 (4) (b) 1. and 2. of the statutes are amended to read:

5 457.09 (4) (b) 1. A human services internship that involves direct practice with
6 clients and that is supervised by a social worker ~~certified~~ licensed under this chapter
7 who has a bachelor's or master's degree in social work.

8 2. One year of social work employment that involves direct practice with clients
9 and that is supervised by a social worker ~~certified~~ licensed under this chapter who
10 has a bachelor's or master's degree in social work.

11 SECTION 43. 457.09 (4m) of the statutes is amended to read:

12 457.09 (4m) (a) The social worker section shall determine whether a course,
13 internship or employment satisfies the requirements under sub. (4) and whether a
14 social worker training ~~certificate permit~~ holder has attained social worker degree
15 equivalency.

16 (b) Notwithstanding sub. (4), for the purpose of determining whether a social
17 worker training ~~certificate permit~~ [✓] holder has attained social worker degree
18 equivalency under sub. (4), the section shall apply course work or internships that
19 the ~~certificate permit~~ [✓] holder completed, or employment that the ~~certificate permit~~
20 holder held, as part of the program leading to the degree that he or she specified to
21 satisfy the requirement in sub. (1) (c) if the course work, internship or employment
22 satisfies the requirements in sub. (4).

23 SECTION 44. 457.09 (5) (a) and (b) of the statutes are amended to read:

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ASSEMBLY BILL 517

INSEAT 17-14

1 457.09 (5) (a) A social worker training ~~certificate~~ permit holder may take the
2 national social work examination at any time after he or she completes the
3 requirements under sub. (4).

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

7 SECTION 45. 457.09 (5) (d) of the statutes is amended to read:

8 457.09 (5) (d) The social worker section shall grant a social worker ~~certificate~~
9 ~~license~~ permit to an individual who has held a social worker training ~~certificate~~ permit and
10 who passes the examinations specified under pars. (a) and (b).

11 SECTION 46. 457.10 (intro.) of the statutes is amended to read:

12 ~~457.10~~ **Marriage and family therapist ~~certificate~~ license.** (intro.)

13 The marriage and family therapist section shall grant a marriage and family
14 therapist ~~certificate~~ license to any individual who does all of the following:

15 SECTION 47. 457.12 (intro.) of the statutes is amended to read:

16 ~~457.12~~ **Professional counselor ~~certificate~~ license.** (intro.) The

17 professional counselor section shall grant a professional counselor ~~certificate~~ license
18 to any individual who does all of the following:

19 SECTION 48. 457.13 (title) and (1) (intro.) and (a) of the statutes are amended
20 to read:

21 457.13 (title) **Professional counselor training ~~certificate~~ permit.** (1)

22 (intro.) The professional counselor section shall grant a professional counselor
23 training ~~certificate~~ permit to any individual who does all of the following:

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

INSEAT 17-18

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ASSEMBLY BILL 517

SECTION 49

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SECTION 49. 457.13 (2) of the statutes is amended to read:

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

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SECTION 50. 457.14 of the statutes is amended to read:

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

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SECTION 51. 457.15 (title) of the statutes is amended to read:

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

~~**SECTION 52.** 457.15 (1) (a) to (d) of the statutes are amended to read:~~

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ASSEMBLY BILL 517

1 457.15 (1) (a) Grant a social worker certificate license to any individual who
 2 holds a similar certificate in another state or territory of the United States credential
 3 if the social worker section determines that the requirements for obtaining the
 4 certificate credential in the other state or territory are substantially equivalent to
 5 the requirements under s. 457.08 (1).

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

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

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

24 SECTION 53. 457.15 (2) of the statutes is amended to read:

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ASSEMBLY BILL 517

SECTION 53

license

1 457.15 (2) Upon application and payment of the fee specified in s. 440.05 (2),
 2 the marriage and family therapist section shall grant a marriage and family
 3 therapist ~~certificate~~ license to any individual who holds a similar ~~certificate~~ in
 4 ~~another state or territory of the United States~~ in if the marriage and family
 5 therapist section determines that the requirements for obtaining the ~~certificate~~
 6 ~~certificate~~ license in the other state or territory are substantially equivalent to the
 7 requirements under s. 457.10.

8 SECTION 54. 457.15 (3) of the statutes is amended to read:

license

9 457.15 (3) Upon application and payment of the fee specified in s. 440.05 (2),
 10 the professional counselor section shall grant a professional counselor ~~certificate~~
 11 license to any individual who holds a similar ~~certificate~~ in another state or territory
 12 ~~of the United States~~ in if the professional counselor section determines that
 13 the requirements for obtaining the ~~certificate~~ license in the other state or
 14 territory are substantially equivalent to the requirements under s. 457.12.

15 SECTION 55. 457.16 (1) of the statutes is amended to read:

16 457.16 (1) The appropriate section of the examining board shall arrange for
 17 examinations for social worker, advanced practice social worker, independent social
 18 worker, independent clinical social worker, marriage and family therapist and
 19 professional counselor ~~certification~~ and licensure to be conducted at least semiannually
 20 and at times and places determined by that section of the examining board, and shall
 21 provide public notice of each examination at least 90 days before the date of the
 22 examination.

23 SECTION 56. 457.16 (2) of the statutes is amended to read:

24 457.16 (2) Examinations shall consist of written or oral tests, or both, requiring
 25 applicants to demonstrate minimum competency in subjects substantially related to

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ASSEMBLY BILL 517

1 the practice of social work, ~~advanced practice social work, independent social work,~~
2 ~~independent clinical social work,~~ marriage and family therapy or professional
3 counseling, as appropriate.

4 **SECTION 57.** 457.16 (3) of the statutes is amended to read:

5 457.16 (3) An individual is not eligible for examination unless he or she
6 satisfies the requirements for ~~certification~~ licensure under s. 457.08 (1) (a) and (b),
7 (2) (intro.), (a) and (b), (3) (intro.) and (a) to (c) or (4) (intro.) and (a) to (c), 457.10 (1)
8 to (3) or 457.12 (1) to (3) and, at least 30 days before the date of the examination,
9 submits an application for examination to the department on a form provided by the
10 department and pays the fee specified in s. 440.05 (1).

11 **SECTION 58.** 457.20 (1) and (2) of the statutes are amended to read:

12 457.20 (1) The department shall issue a certificate of ~~certification~~ licensure to
13 each individual who is ~~certified~~ licensed under this chapter.

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

17 **SECTION 59.** 457.20 (3) (c) of the statutes is amended to read:

18 457.20 (3) (c) If the application is for renewal of a professional counselor
19 ~~certificate~~ license that was originally granted as a professional counselor certificate
20 under 1991 Wisconsin Act 160, section 21 (2) (g), evidence satisfactory to the
21 professional counselor section that the applicant continues to be employed by a
22 federal, state or local governmental agency as a professional counselor, professional
23 rehabilitation counselor, vocational rehabilitation counselor or rehabilitation
24 counselor.

25 **SECTION 60.** 457.20 (4) of the statutes is amended to read:

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ASSEMBLY BILL 517

1 457.20 (4) Renewal of an advanced practice social worker, independent social
 2 worker or independent clinical social worker certificate license automatically renews
 3 the individual's social worker certificate license without payment of the renewal fee
 4 for the social worker certificate license or completion of the continuing education
 5 requirements that would otherwise be required for renewal of a social worker
 6 certificate license.

7 SECTION 61. 457.22 of the statutes is amended to read:

8 **457.22 Continuing education.** The examining board may promulgate rules
 9 establishing requirements and procedures for certificate holders licensees to
 10 complete continuing education programs or courses of study in order to qualify for
 11 renewal. The rules may not require an individual to complete more than 30 hours
 12 of continuing education programs or courses of study in order to qualify for renewal.
 13 The appropriate section of the examining board may waive all or part of the
 14 requirements established in rules promulgated under this section if it determines
 15 that prolonged illness, disability or other exceptional circumstances have prevented
 16 the individual from completing the requirements.

17 SECTION 62. 457.25 of the statutes is amended to read:

18 **457.25 Reporting requirements. (1) Any** public or private mental health
 19 or health care agency, institution or facility, or any other person or entity that
 20 employs or contracts for services with a certificate licensee or permit holder, that
 21 terminates, suspends or restricts the employment or contract of the certificate
 22 licensee or permit holder as a result of adverse or disciplinary action against the
 23 certificate licensee or permit holder relating to his or her practice of social work,
 24 advanced practice social work, independent social work, independent clinical social
 25 work, marriage and family therapy or professional counseling shall submit a written

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ASSEMBLY BILL 517

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1 report of the action to the appropriate section of the examining board within 30 days
 2 after the date on which the action is taken or, if grounds for such an action exist and
 3 the certificate ~~licensee or permit~~ holder terminates his or her employment before the
 4 action is taken, within 30 days after the date on which the certificate ~~licensee or~~
 5 ~~permit~~ holder terminates his or her employment.

6 (2) Any state or local professional society or organization of social workers,
 7 marriage and family therapists or professional counselors that terminates, revokes
 8 or suspends the membership of a certificate ~~licensee or permit~~ holder, or takes any
 9 other adverse or disciplinary action against a certificate ~~licensee or permit~~ holder
 10 relating to his or her practice of social work, advanced practice social work,
 11 independent social work, independent clinical social work, marriage and family
 12 therapy or professional counseling, shall submit a written report of the action to the
 13 appropriate section of the examining board within 30 days after the date on which
 14 the action is taken or, if grounds for such an action exist and the certificate ~~licensee~~
 15 ~~or permit~~ holder terminates his or her membership before the action is taken, within
 16 30 days after the date on which the certificate ~~licensee or permit~~ holder terminates
 17 his or her membership.

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

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ASSEMBLY BILL 517

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1 (4) Any circuit court that appoints a guardian of the person or estate of a
 2 certificate licensee or permit holder or makes a judgment or other determination that
 3 a certificate licensee or permit holder is mentally ill or mentally incompetent or that
 4 a certificate licensee or permit holder has done any of the acts enumerated in s.
 5 457.26 (2) shall submit a written report of the appointment, judgment or
 6 determination to the appropriate section of the examining board within 30 days after
 7 the date on which the appointment, judgment or determination is made.

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

17 (b) If the appropriate section of the examining board determines that a report
 18 submitted under sub. (1), (2), (3) or (4) is without merit or that the certificate licensee
 19 or permit holder has sufficiently improved his or her conduct, that section of the
 20 examining board shall remove the report from the certificate holder's his or her
 21 record. If no report about a certificate licensee or permit holder is filed under sub.
 22 (1), (2), (3) or (4) for 2 consecutive years, the certificate licensee or permit holder may
 23 petition the appropriate section of the examining board to remove any prior reports,
 24 which did not result in disciplinary action, from his or her record.

25 SECTION 63. 457.26 (2) (intro.), (a) and (b) of the statutes are amended to read:

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1 457.26 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
 2 appropriate section of the examining board may reprimand a ~~certificate~~ licensee or
 3 ~~permit~~ holder or deny, limit, suspend or revoke a ~~certificate license or permit~~ under
 4 this chapter if it finds that the applicant or ~~certificate licensee or permit~~ holder has
 5 done any of the following:

6 (a) Made a material misstatement in an application for a ~~certificate license or~~
 7 ~~permit~~ or for renewal of a ~~certificate license~~.

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

12 SECTION 64. 457.26 (2)(e) of the statutes is amended to read:

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

17 SECTION 65. 457.26 (2)(g) of the statutes is amended to read:

18 457.26 (2) (g) Performed social work, advanced practice social work,
 19 indenendent social work or indenendent clinical social work services in violation of
 20 the rules promulgated under s. 457.03 (2) or otherwise engaged in conduct while
 21 practicing social work, advanced practice social work, indenendent social work,
 22 indenendent clinical social work, marriage and family therapy or professional
 23 counseling which evidences a lack of knowledge or ability to apply professional
 24 principles or skills.

25 SECTION 66. 905.04 (1) (bm) of the statutes is amended to read:

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ASSEMBLY BILL 517

1 905.04 (1) (bm) "Marriage and family therapist" means an individual who is
2 certified licensed as a marriage and family therapist under ch. 457 or an individual
3 reasonably believed by the patient to be a marriage and family therapist.

4 SECTION 67. 905.04 (1) (dm) of the statutes is amended to read:

5 905.04 (1) (dm) "Professional counselor" means an individual who is certified
6 licensed as a professional counselor under ch. 457 or an individual reasonably
7 believed by the patient to be a professional counselor.

8 SECTION 68. 905.04 (1) (g) of the statutes is amended to read:

9 905.04 (1) (g) "Social worker" means an individual who is certified licensed as
10 a social worker under ch. 457 or an individual reasonably believed by the patient to
11 be a social worker.

12 SECTION 69. Nonstatutory provisions.

13 (1) DEFINITION. In this SECTION, "examining board" means the examining board
14 of social workers, marriage and family therapists and professional counselors.

15 (2) EXAMINING BOARD MEMBERSHIP. Notwithstanding section 15.405 (7c) (a) of
16 the statutes, as affected by this act, a member of the examining board who was
17 appointed on or before the effective date of this subsection may continue to serve as
18 a member of the examining board until the end of his or her appointed term.

19 (3) TRANSITIONAL PROVISIONS.

20 (a) Duties of examining board sections. Notwithstanding sections 457.08,
21 457.09 (1), 457.10, 457.12, 457.13 (1), 457.14 and 457.15 of the statutes, as affected
22 by this act, on the effective date of this paragraph:

23 1. The social worker section of the examining board shall grant a social worker
24 license under section 457.08 (1) of the statutes, as affected by this act, to any person

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Handwritten circled notes: "(intro.) and (a)" with arrows pointing to lines 19 and 20.

Handwritten circled notes: "(4) (intro.) and (b)" with checkmarks.

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ASSEMBLY BILL 517

who holds a valid social worker certificate that was granted by the social worker section of the examining board before the effective date of this subdivision.

2. The social worker section of the examining board shall grant an advanced practice social worker license under section 457.08 (2) of the statutes, as affected by this act, to any person who holds a valid advanced practice social worker certificate that was granted by the social worker section of the examining board before the effective date of this subdivision.

3. The social worker section of the examining board shall grant an independent social worker license under section 457.08 (3) of the statutes, as affected by this act, to any person who holds a valid independent social worker certificate that was granted by the social worker section of the examining board before the effective date of this subdivision.

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

5. The social worker section of the examining board shall grant a social worker training permit under section 457.09 (1) of the statutes, as affected by this act, to any person who holds a valid social worker training certificate that was granted by the social worker section of the examining board before the effective date of this subdivision. Notwithstanding section 457.09 (3) (a) and (b) of the statutes, as affected by this act, a social worker training permit granted under this subdivision is valid for 24 months beginning after the date on which the social worker section of the examining board granted the social worker training certificate to the person or

ASSEMBLY BILL 517

1 until the date on which the person receives the results of the examination that he or
2 she has taken under section 457.09 (5) (a) of the statutes, as affected by this act,
3 whichever occurs first.

4 ~~6~~. The marriage and family therapist section of the examining board shall grant
5 a marriage and family therapist license under section 457.10 of the statutes, as
6 affected by this act, to any person who holds a valid marriage and family therapist
7 certificate that was granted by the marriage and family therapy section of the
8 examining board before the effective date of this subdivision.

9 ~~7~~. The professional counselor section of the examining board shall grant a
10 professional counselor license under section 457.12 of the statutes, as affected by this
11 act, to any person who holds a valid professional counselor certificate that was
12 granted by the professional counselor section of the examining board before the
13 effective date of this subdivision.

14 ~~8~~. The professional counselor section of the examining board shall grant a
15 professional counselor training permit under section 457.13 (1) of the statutes, as
16 affected by this act, to any person who holds a valid professional counselor training
17 certificate that was granted by the professional counselor section of the examining
18 board before the effective date of this subdivision. Notwithstanding section 457.13
19 (2) of the statutes, as affected by this act, a professional counselor training permit
20 granted pursuant to this subdivision is valid for 24 months beginning after the date
21 on which the professional counselor section of the examining board granted the
22 professional counselor training certificate or until the date on which the person
23 ceases to be employed in a position specified under section 457.13 (1) (d) of the
24 statutes, whichever occurs first.

ASSEMBLY BILL 517

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1 9. A section of the examining board shall grant a temporary license under
 2 section 457.14 of the statutes, as affected by this act, to any person who holds a valid
 3 temporary certificate that was granted by the section of the examining board before
 4 the effective date of this subdivision. A temporary license granted pursuant to this
 5 subdivision is valid only for the period of time designated by the section of the
 6 examining board for the temporary certificate granted to the person. If the
 7 temporary certificate was renewed once by the appropriate section of the examining
 8 board, the temporary license may not be renewed.

9 10. A section of the examining board shall grant a reciprocal license under
 10 section 457.15 of the statutes, as affected by this act, to any person who holds a valid
 11 reciprocal ~~certificate granted by the~~ section of the examining board before the
 12 effective date of this subdivision.

INSERT 29-11

13 (b) **Duty of department of regulation and licensing.** The department of
 14 regulation and licensing shall issue a certificate of licensure under section 457.20 (1)
 15 of the statutes, as affected by this act, to any person who is granted a license under
 16 paragraph (a). a.r.

SECTION 70. Effective date.

17 (1) This act takes effect on the first day of the 6th month beginning after
 18 publication.
 19

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for independent *MS* clinical social workers, marriage and family therapists and professional counselors

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, except that the bill specifies that an applicant must complete at least 60 hours of academic credit in a master's or doctorate degree program. Current law requires a master's or doctorate degree, but does not specify a minimum number of credit hours.

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The bill does not change the requirements under current law for a social worker, advanced practice social worker or independent social worker certificate, except that advanced practice and independent social worker may not practice psychotherapy under the bill. Under current law, the social worker section of the examining board is allowed to promulgate rules that allow certain advanced practice and independent social workers to practice psychotherapy. The definition of "psychotherapy" under the bill is the same as under current law, except that the bill specifies that psychotherapy includes conducting certain specified interviews and tests.

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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.

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SECTION 1. 457.01 (1) of the statutes is renumbered 457.01 (1m).

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SECTION 2. 457.01 (8m) of the statutes is repealed and recreated to read:

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457.01 (8m) "Psychotherapy" means the use of learning, conditioning methods

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and emotional reactions in a professional relationship to assist persons to modify

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feelings, attitudes and behaviors ~~which~~ ^{that} are intellectually, socially or emotionally

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maladjustive or ineffectual, and includes interviewing and administering tests

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regarding mental abilities, attitudes, aptitudes, interests, personality

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characteristics, emotions and motivations and analyzing the results of such

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SECTION 3. 457.08 (4) (b) of the statutes is amended to read:

457.08 (4) (b) Submits evidence satisfactory to the social worker section that he or she has received a master's degree in social work from a program accredited by, or a preaccreditation program of, the council on social work education or a doctorate degree in social work and, as part of the master's or doctorate degree program, completed at least 60 hours of academic credit, had a clinical social work concentration and completed supervised clinical field training.

History: 1991 a. 160; 1995 a. 27.

INSERT 17-14:

SECTION 4. 457.10 (2) (a) of the statutes is amended to read:

457.10 (2) (a) Received a master's or doctorate degree in marriage and family therapy from a program accredited by the commission on accreditation for marriage and family therapy education and, as part of the master's or doctorate degree program, completed at least 60 hours of academic credit.

History: 1991 a. 160.

INSERT 17-18:

SECTION 5. 457.12 (2) of the statutes is amended to read:

457.12 (2) Submits evidence satisfactory to the professional counselor section that he or she has received a master's or doctorate degree in professional counseling or its equivalent from a program approved by the professional counselor section and, as part of the master's or doctorate degree program, completed at least 60 hours of academic credit.

History: 1991 a. 160; 1993 a. 366.

INSERT 19-23:

SECTION 6. 457.15 (1) (d) of the statutes is amended to read:



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0822/1dn
MDK:.....

cmh

Representative Urban:

This bill is based on 1997 Assembly Bill 517, except that, based on instructions from Dismas Becker, the bill imposes licensing requirements for independent clinical social workers, marriage and family therapists and professional counselors and retains the certification requirements under current law for social workers, advanced practice social workers and independent social workers. In addition, please note the following about the bill:

1. What is your intent regarding the Colorado law that imposes certain qualifications in order to conduct certain testing? That law's provisions are not incorporated in this bill because I am not sure how they relate to the rest of the request. Do you want to prohibit anyone, including individuals who are licensed as independent clinical social workers, marriage and family therapists and professional counselors, from conducting these tests unless they demonstrate that they are qualified? Or should licensed individuals be exempted from the qualifications? Under the bill, an individual must have at least a master's degree to be eligible for a license. Is the master's degree sufficient to assure that a licensed individual is qualified to conduct the tests? Please contact me so that I may revise the bill accordingly.

2. Do you want to incorporate the Colorado law's definition of professional counseling in the bill? The bill does not incorporate the definition because you also requested that the scope of practice for the 3 licensed professions should be the same as under 1997 Assembly Bill 517.

3. Under the bill, an individual does not have to be licensed to practice independent social work or advanced practice social work. Therefore, the bill eliminates the definitions of these practices.

4. Please review the definition of "psychotherapy", which incorporates the definition at s. 457.01 (8m), stats., as well as the suggested language regarding testing.

5. Do the amendments of s. 457.08 (4) (b), 457.10 (2) (a) and 457.12 (2), stats., reflect your intent regarding the 60 credit hours?

6. The bill does not change the 2-year supervision requirements of s. 457.03 (3) (c), 457.10 (3) and 457.12 (3) (a), stats. Is this okay?

7. I do not understand your instructions regarding the treatment of school counselors. The bill makes no changes to their treatment under current law. Is this okay?

If you have any questions, please contact me.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0822/1dn
MDK:cmh:km

March 5, 1999

Representative Urban:

This bill is based on 1997 Assembly Bill 517, except that, based on instructions from Dismas Becker, the bill imposes licensing requirements for independent clinical social workers, marriage and family therapists and professional counselors and retains the certification requirements under current law for social workers, advanced practice social workers and independent social workers. In addition, please note the following about the bill:

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7. I do not understand your instructions regarding the treatment of school counselors. The bill makes no changes to their treatment under current law. Is this okay?

If you have any questions, please contact me.

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

MEMO 1

should only apply to licensed persons
testing restricted by scope of practice
- determine tests by rule

TO: Mark Kunkel
FROM: Dismas Becker (Rep. Frank Urban & Sen. Richard Grobschmidt)
RE: Redraft of LRB 0822/1db

- exempt - under current law should stay the same

In response to your question to Rep. Urban:

1. Keep the language as you have drafted it. That is the person who has a masters degree is qualified to conduct tests.

2. Do not incorporate the Colorado law's definition of professional counseling but do change the language for "psychotherapy" on page 6, line 18 thru line 24. Delete line 18 after "means", delete lines 19, 20, and 21 up to the comma ";

After means on line 18 insert **"treatment, diagnosis, testing, assessment or counseling in a professional relationship to assist individuals or groups to alleviate mental and emotional disorders, understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behavior that interfere with effective emotional, social, or intellectual functioning."**

of 3000 supervision hours

4. Drop any reference to "60 hrs." as require for a Master's degree.

5. Keep the requirement that the applicant must have 2 years of full-time supervised clinical practice and add that **"the supervisor must be in the same discipline and must have a PHD or a Master's degree and 5 years of clinical practice."** Also add that those who meet these qualifications **may also be supervisors in hospitals and free standing independent mental health clinics. In this latter situation they are not limited to supervising only those in their specific discipline.** This refers to the H&FS law governing independent outpatient clinics.

See MEMO 3

6. The practice is psychotherapy and the license is to practice psychotherapy. **Master's degrees in any one of the three scopes of practice or their equivalent in psychotherapy would make an applicant eligible for licensure provided they have the 2 years of supervised clinical practice.**

We would like you to amend the statute further by changing the present board's structure.

First: The board will have two sections, 1) certification section and 2) the licensure section.

The certification section consist of bachelor social workers, advanced social worker and the independent social worker. They will have one representative from each class of social worker but only two votes on the full board. This section will also have one public member. (the public member must belong to an organized consumer group such as AARP, Senior Council, Wisconsin Citizen Action Coalition or similar groups as identified by the Secretary of Regulations and Licensing. This criteria will apply to all public appointees in both sections.

for public

The licensure section will consist of Clinical Social Workers, Marriage and Family Therapist and Professional Counselors. Each class will have 2 representatives for a total of 6 plus 3 public members chosen from organized consumer groups. If other scopes of

Why?
?

practices **qualify for licensure**, they can be included under this practice act. Their membership-on-the-li&sure section of the board shall be determined by rule. No practice will have less than one representative on the board. The public membership of the whole board will be a total of 4.

*Bd may refer to legislature
final of the people
be considered*

The draft also refers to temporary permits for Clinical Social Workers and Professional Counselors. This should also be extended to Marriage and Family Therapist.

This law will eliminate certification for Clinical Social Workers, Marriage and Family Therapist and Professional Counselors. These professions will be licensed as clinical psychotherapist.

The draft should refer to these scopes of practice as Clinical Social Worker, Clinical Marriage and Family Therapist and Clinical Professional Counselors. The word "clinical" indicates that they are a licensed clinical psychotherapist.

Finally all reference to a continuing education requirement should be dropped. There will be no continuing education requirement. *CE for cert, not for li*

I hope these instructions are clear. If you have any questions, contact me at 2553405.

Thank you,
Dismas Becker

What is licensure called?

- how can others qualify for licensure?

clinical psychologists as -
① MFT
② PC
③ SW

- scope of practice

*- getting a license as
psychologist*

scope is low

*only 2 requests
- MA in scope
& supervised practice*

*- maintain
except -
in practice
under supervision
for adv pract sw
indep sws
maintain
except*

MEMO 2

TO: Mark Kunkel
FROM: Dismas (255-3405)
RE: Redraft of LRB 0822/1db

In response to your question to Rep. Urban:

- # 1. Keep the language as you have drafted it. That is the person who has a master's degree is qualified to conduct tests. **However, the test that can be given should be regulated by rule.**
- #2. Do not incorporate the Colorado law's definition of professional counseling **but do change the language for "psychotherapy"** on page 6, line 18 thru line 24, delete line 18 after "means" thru line 21 up to the comma,"

Insert on **line 18** after "means" **"the treatment, diagnosis, testing, assessment or counseling in a professional relationship to assist individuals or groups to alleviate mental and emotional disorders, understand unconscious or conscious motivation, resolve emotional, relationshin, or attitudinal conflicts, or modify behavior that interfere with effective emotional, social, or intellectual functioning."**

- #3. Independent and Advanced Social Workers should be allowed to practice psychotherapy only under the supervision of an Independent Clinical Social Worker. Page 9 line 21 and 22 would eliminate this practice. It should not. There has to be an exception for the Independent Social Worker & Advance Social Worker to practice psychotherapy under the supervision of a licensed Independent Clinical Social Worker.
- #4. Drop any reference to "60 hrs." as required for a Master's degree.
- #5. Keep the requirement that the applicant must have 2 years fo full-time supervised clinical practice and add that **"the supervisor must be in the same discipline and must have a PHD or a Master's degree and 5 years of clinical practice or be a licensed psychiatrist or psychologist."** Also add that **those who meet these qualifications may be supervisors in "independent outpatient mental health clinics"** It should be clear that the supervision in an outpatient mental health clinic is not limited to their specific discipline. This refers to the H&FS law governing independent outpatient clinics.
- #6. The practice is psychotherapy and the license is to practice psychotherapy. A master's degree in any one of the three scopes of practice **or their eauivalent in** psychotherapy would make an applicant eligible for licensure provided they have the 2 years of supervised clinical practice.

We would like to amend the statute further by changing the present board's structure

First: The board will have two sections, 1)certification section and 2) the other would be the licensure section.

The certification section consist of bachelor social worker, advanced social worker and the independent social worker. They will have one representative from

certif sect. — 5W, 1SW, 1SW, 1SW, P
2/3 2/3 2/3
lic sec. 2CSW, 2MTH, 2PC, 3P

each class of social worker but only two votes on the full board. This section will also have one public member. (the public member must belong to an organized consumer group such as AARP, SENIOR COUNCIL, WISCONSIN CITIZEN ACTION COALITION or similar groups as identified by the Secretary of Regulations and Licensing. This criteria will apply to all public appointees in both sections.

The licensure section will consist of Independent Clinical Social Workers, Clinical Marriage and Family Therapist and Clinical Professional Counselors. Each class will have 2 representatives for a total of 6 plus 3 public members chosen as above. If other scopes of practices qualify for licensure, they must be approved by the legislature. No practice will have less than one representative in this section. The public membership of the whole board will be a total of 4.

The draft also refers to temporary permits for Clinical Social Workers and Professional Counselors. This should also be extended to Marriage and Family Therapist.

This law will eliminate certification for Independent Clinical Social Workers, Marriage and Family Therapist and Professional Counselors. These professions will be licensed as clinical psychotherapist. The title "Clinical" shall be added to their profession where it is absent, i.e. they will be licensed as Clinical Marriage & Family Therapist, Clinical Professional Counselors and Independent Clinical Social Workers.

In that section of the statute which states that this law will not regulate psychologist, pastoral counselors, etc. you should add "employee assistance counselor".

Finally, there should be no continuing education requirements regulated by the licensure section. Continuing education requires is the task of professional associations.

These instructions have a few additions to the previous instructions I left with you. You can contact me at 255-3405.

Thank you,
Dismas Becker

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MEMO 3

TO: Mark Kunkel

FROM: Dismas Becker, (255-3405)

RE: Changes to my last draft instructions of LRB 081 1/1db

3000 supervised hours

On # 5 of my redraft instructions, the language we would prefer is **“the clinical supervision must be conducted by a licensed practitioner in the same discipline of the applicant and must have a PHD, or a Master’s degree with 5 years of clinical practice, or the equivalent as determined by rule.”** We would like to drop the reference to licensed psychiatrist or psychologist. Keep the other language, i.e. **“those who meet these qualifications may be supervisors in ‘independent outpatient mental health clinics.’”** This latter refers to the regulations of the Dept. of Health and Family Services for independent mental health clinics.

* * As I mention before the licensure is for the practice of psychotherapy as Clinical Social Workers, Clinical Marriage and Family Therapist and Clinical Professional Counselors. We want the word independent dropped from independent clinical social worker. The three professions shall be licensed as Licensed Clinical Social Workers, (LCSW); Licensed Marriage and Family Therapist. (LMFT); & Licensed Professional Counselors. (LPC).

*** It should be clear that each scope of practice in the licensure section will investigate violations, recommendations and compliance in their own scope of practice and make recommendations of action to the section and the board. Each scope of practice will make recommendations or denials to request for waivers to the section and the board.

Finally there should be no reference to regulating continued education in the licensure section of the board.

If you need clarification on these changes or the previous instructions, contact me at 255-3405